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HISTORY OF NORTH CAROLINA

FROM 1663 to 1729.

HISTORY

OF

NORTH CAROLINA:

WITH

MAPS AND ILLUSTRATIONS.

BY

FRANCIS L. HAWKS, D.D., LL.D.

VOL. II.

EMBRACING THE PERIOD OF THE PROPRIETARY GOVERNMENT,
FROM **1663** TO **1729.**

FAYETTEVILLE, N. C.
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PREFACE.

In offering to his countrymen this second volume of the history of their native State, the writer feels that his first duty is gratefully to acknowledge the kind reception given to his former effort. It has operated as a stimulus in the preparation of this. The events of our history seem naturally to divide themselves into four periods: the first embraces the early and ineffectual efforts at colonization in the sixteenth century—these have been presented in the previous volume; the other three should respectively offer the picture and progress of the State in three different aspects:—under the *proprietary* government;—under the *royal* government;—and as a *republic*.

The attempt, in this volume, is to tell the story of our country from 1663 to 1729, while it was under the proprietary dominion. After the lapse of more than a century and a quarter since that dominion ceased, it may well be supposed that authentic materials are neither abundant nor very accessible. Beside examining what was already in print, the writer determined to spare no labor, either in

the search for, or study of, the original sources of our history in authentic manuscripts. The kindness of the Legislature having opened to him the archives in our public offices, these were diligently examined; and a grateful acknowledgment is here recorded of the kindness of Governor Bragg, and Mr. Page, the Secretary of State, in facilitating to the utmost of their power the author's labors.

The minutes of the council, the records of early grants of land, the copies of old wills and inventories, have all afforded a mass of valuable information. But beside these, the records of the civil and criminal courts, and of the Court of Chancery in Albemarle, together with the early "minute-book" of the society of "Friends," in the same region, all of which were most readily furnished by President Swain of the University, have afforded great assistance in ascertaining the truth of our history. The letter-book of Colonel Thomas Pollock, of which a copy was furnished by his descendant, Thomas Pollock Devereux, Esq., to President Swain, was also placed at the writer's disposal.

Among the author's own manuscripts was a copy of Governor Spotswood's letters during the Carey rebellion and the Indian war of 1711. This copy was made from a volume, found by the author many years ago, among the manuscripts of his grandfather, and purporting to have been a transcript made from Spotswood's original letter-book, and to have been deposited in the office of our Sec-

retary of State by Governor Alexander Martin, "to serve as materials for some future historian" of North Carolina. By what means it found its way to a place among the manuscripts of his ancestor, the author knows not: he returned it, years ago, to its proper depository, the office of the Secretary of State.

In addition to these letters, the author's library furnished him with a mass of manuscripts (none of which have ever been printed), which he obtained in London some years since, in the shape of copies made from the originals there, and verified by his own comparison.

A complete manuscript copy of the whole body of our statute law in 1715, was kindly furnished to the writer by his friend, William B. Rodman, Esq., of Washington, and has been of great service in the preparation of the book.

The Hon. George Bancroft also very kindly placed in the writer's possession the original manuscript materials of George Chalmers, used by him in the preparation of his "Annals," and of his "Revolt of the American Colonies." These Mr. Bancroft purchased in London; and, with the advantage thus obtained of comparison of the manuscripts with Chalmers' printed volumes, the writer was enabled to ascertain some facts, the history of which was before obscure. To Mr. Bancroft, the author would further make his grateful acknowledgments for the great liberality with which he has allowed him access to his most extensive and rich collection of manuscripts relating to America: a collection far more valuable than any other in our country,

or indeed in the world, as it embraces documents from France and Spain as well as from England.

To North Carolinians, the author hardly need say that President Swain has rendered to him every assistance in his power; and such has been his devotion to the subject for years, that every one knows such assistance could not but be valuable indeed. In personal conference, as well as by correspondence, he has been ever ready to communicate freely all that his faithful and patient research has discovered; and he placed in the author's hands beside, his own notes and memoranda made, from time to time, in the course of his investigation.

When the author undertook his task, it was with the agreement between President Swain and himself, adopted at his own request, that his labors should undergo their joint critical supervision, in manuscript, before being sent to the press. He has therefore now to announce to the reader that the book in his hands has undergone such revision, and if there be in it that which is erroneous in point of fact, it is because their authorities have misled the revisors. *They believe the story to be true.*

The second chapter of the volume, on the Law and its Administration, has been submitted to the revisal and correction of B. F. Moore, Esq., who most kindly performed the labor at the author's request; and we hardly need say will, on this account, deservedly be more acceptable, both to the professional and general reader.

In conclusion, the author believes he may truly state

that more than three fourths of the book have been prepared from an examination of the original authorities, existing in manuscript. The effort has honestly been made to ascertain and tell simply the truth, and to furnish the intelligent reader with the means of forming for himself a vivid picture of the times, in the varied aspects of society, during our early existence as a people; and it is in great part for this end that the preliminary documents have been prefixed to the several chapters: it was thought best to let the contemporaneous witnesses, the actors in the scenes described, be heard for themselves.

As imperfection attaches to all that is human, the author begs indulgence for his errors. These he knows to be unintentional, and in extenuation of them, would plead the simple fact, that he has been obliged to prepare the volume in such intervals as he could contrive, by an economy of time, to snatch from the never-ceasing demands made on him by the duties of a laborious and responsible profession in a large city. The labor has not been light, and he frankly confesses that he would undergo such toil for no country but North Carolina. She has a claim upon his filial duty. In her bosom his infancy found protection, and his childhood was nourished. He here lays his humble offering in her lap.

For the communication, in a friendly spirit, of such errors as may be discovered, he will be most grateful to any of his countrymen; and will be careful to correct such faults in a future edition. If they shall feel, when

they lay down the book, that they have a more comprehensive, thorough, and distinct view than they have had before of the whole aspect of society in North Carolina, during the sixty-six years of the proprietors' rule, the ambition of the author will be satisfied, and he will feel grateful that the chief end he sought has been attained.

If his present effort should prove acceptable to his countrymen, he will proceed, as rapidly as his other duties will permit, in the preparation of the third volume, embracing the period of the royal government of the province. But the execution of this part of his work, especially under the disadvantages of his present position, at a distance from the scene of the events he would describe, and with but occasional and brief opportunities, in stolen scraps of time, to visit the State to collect and consult the only authentic yet scattered manuscript materials there, will require more time and labor than has been necessary in the preparation of this volume; and he therefore would humbly bespeak the indulgent patience and forbearance of his countrymen.

New York, January, 1858.

CHAPTER FIRST.

EXPLORATION AND SETTLEMENT.

1663—1729.

PRELIMINARY DOCUMENTS TO CHAPTER FIRST.

SUBJECT:

EXPLORATION AND SETTLEMENT.

1. — **1654.** Yardley's Discoveries in North Carolina.

2. — **1663.** Lords Proprietors' Letter to Berkeley, concerning Charter, &c.

3. — **1663.** Letter from English members of the Cape Fear Company to the Proprietors.

4. — **1663.** Lords Proprietors' *first* Proposals to Settlers.

5. — **1663.** Exploration of the Cape Fear by the Barbadoes Company.

6. — **1666.** Brief Description of Carolina: Proprietors' *second* Proposals.

7. — **1669.** John Lederer's Discoveries in Carolina.

8. — **1709.** Proposals of De Graffenreid to bring Swiss Emigrants.

9. — **1709.** Contract of De Graffenreid to bring German Emigrants.

10. — **1710,** &c. Documents concerning the Boundary between Virginia and Carolina.

11. — **1723.** List of Freeholders in the Province, with their Residences, in 1723.

HISTORY OF NORTH CAROLINA.

No. I.

YARDLEY'S DISCOVERIES

IN

NORTH CAROLINA.

1654.

[Reprinted from Thurloe's State Papers, Vol. II., p. 273.]

[The letter from Yardley communicating his discoveries, is addressed to John Farrar, Esq., or, as it was sometimes written, *Ferrar*, of the manor of Little Gidding in Huntingdonshire.

This is a name connected in no inconsiderable degree with the first colonization of Virginia. As early as 1620, the name of Nicholas Ferrer appears among those of the "adventurers, with their several sums adventured, paid to Sir Thomas Smith, Knight, late treasurer of the company for Virginia:" and he left by his will three hundred pounds to be applied in maintaining and educating in Christianity young Indians in Virginia.

The father of Nicholas Ferrar the younger (for, we believe, his name was also Nicholas), was an intimate friend of Sir W. Raleigh, and knew also Sir John Hawkins, and Sir Francis Drake. His association with these celebrated navigators caused him to take great interest in the work of discovery and colonization in America. This we suppose to have been the individual of whom we have spoken in the preceding paragraph. He had, at least, two sons, Nicholas the younger and John. It is to the latter of these, Yardley writes. Nicholas Ferrar the younger, after an absence of six years from England, employed in foreign travel, returned just at the time that the Virginia company was most actively engaged in planting the colony on James River. To the gratification of his aged father, he entered with great zeal into the work. Sir Edwin Sandys (who had been a pupil of the good and judicious Hooker) was then treasurer and principal manager of the enter-

prise; and with him, Ferrar became very intimate. Old Mr. Ferrar had given the use of a large parlor in his house to the directors of the Virginia company, and there were held the councils and debates which shaped the destinies of the early settlers of Virginia. Young Nicholas Ferrar became the acting secretary of the company; though he never would receive compensation for his services. He was placed upon all the committees, and prepared all the letters of advice which were written to the colonists. He framed also the instructions sent, from time to time, on the subjects of agriculture, trade, and government. He superintended the fitting out of the vessels sent with supplies to the colony; and, in short, managed most of the active business of the corporation, with equal talent and probity. About 1664 he purchased, in Huntingdonshire, a very obscure place called Little Gidding. It was almost a complete solitude. Here, about the time of the plague in London, he had sent his brother John to make ready an apartment for him, to which he might retreat when the pestilence was over, for he remained in London during its continuance.

Here, after repairing the manor-house and church, both in a sad state of dilapidation, he brought his aged mother and all the members of his family, amounting in number to about forty; and here he so established and carried out his plan of a Christian household, that it became celebrated throughout the kingdom, and even drew foreigners to visit it. Cheerful religion within, and practical benevolence to the poor without, were its characteristic features. Finally, Mr. Ferrar took orders in the Church of England, and declining all lucrative offers of preferment in his profession, consecrated himself, with all his talents and attainments, which were not small, to the work of doing good at Little Gidding, up to the day of his death. His brother John continued to be of his household, and the known interest in and connection of the family with Virginia colonization, prompted this letter from Yardley. John Ferrar's wife was a native of Virginia. Between the saintly George Herbert and Nicholas Ferrar there existed the warmest Christian friendship. The last message of Herbert from his death-bed was to Ferrar; and almost his last utterance was in singing one of his own sacred songs. Old Isaac Walton, who knew and loved them both, has left behind the memorial of his undoubting confidence of their beatification, in a sentence that may make us smile at his simplicity, while it forces us to respect his faith. Speaking of Herbert's last hymn on earth, he proceeds: "and thus he sung on earth, such hymns and anthems as the *angels, and he and Mr. Farrer* are now singing in heaven." Who but honest, quaint old Isaac would ever have thought of introducing them to the society of the angels as *Mr. Herbert and Mr. Farrer*, to bear their parts in a celestial concert?

As to the writer of this letter, Francis Yardley, we suppose him to have been a descendant of Sir George Yeardly, a former governor of Virginia, who died, in the colony, in 1626.]

Letter from Mr. Francis Yardley to John Farrar, Esq.

SIR:— VIRGINIA, LINNEHAVEN, 8*th May*, 1654.

My brother Argol Yardley hath received many letters from you, with animadversions and instructions to encourage him in the prosecution of better designs than that of tobacco, but myself never any; yet the honor I bear you, for your fervent affections to this my native country, commands me in some measure to give you an account of what the Lord hath in short time brought to light, by the means of so weak a minister as myself; namely, an ample discovery of South Virginia or Carolina, the which we find a most fertile, gallant, rich soil, flourishing in all the abundance of nature, especially in the rich mulberry and vine, a serene air, and temperate clime, and experimentally rich in precious minerals; and lastly, I may say, parallel with any place for rich land, and stately timber of all sorts; a place indeed unacquainted with our Virginia's nipping frosts, no winter, or very little cold to be found there. Thus much for the country; the manner and means in the discovery follows:

In September last, a young man, a trader for beavers, being bound out to the adjacent parts to trade, by accident his sloop left him; and he, supposing she had been gone to Rhoanoke, hired a small boat, and, with one of his company left with him, came to crave my license to go to look after his sloop, and sought some relief of provisions of me; the which granting, he set forth with three more in company, one being of my family, the others were my neighbors. They entered in at Caratoke [this inlet would thus appear to have been then (1653) open for small craft], ten leagues to the southward of Cape Henry, and so went to Rhoanoke Island; where, or near thereabouts, they found the great Commander of those parts with his Indians a-hunting, who received them civilly, and shewed them the ruins of Sir Walter Raleigh's fort, from whence I received a sure token of their being there. [These ruins must have lasted nearly seventy years from the time of their erection.] After some days spent to and fro in the country, the young man, the interpreter, prevailed with the great man and his war captains, and a great man of another province, and some other Indians, to come in and make their peace with the English, which they willingly condescended unto; and for the favor and relief I extended to the interpreter in

his necessity, in gratitude he brought them to me at my house, where they abode a week, and shewed much civility of behavior. In the interim of which time, hearing and seeing the children read and write; of his own free voluntary motion, he asked me (after a most solid pause, we two being alone), whether I would take his only son, having but one, and teach him to do as our children; namely, in his terms, "to speak out of the book, and to make a writing;" which motion I most heartily embraced; and with expressions of love and many presents, crediting with clothes, dismissed him. At his departure he expressed himself desirous to serve that God the Englishmen served, and that his child might be so brought up; promising to bring him to me in four moons, in which space my occasions calling me to Maryland, he came once himself, and sent twice, to know if I was returned, that he might bring his child; but in my absence, some people, supposing I had great gains by commerce with him, murmured, and carried themselves uncivilly towards them, forbidding their coming in any more; and by some over-busy justices of the place (my wife having brought him to church in the congregation), after sermon, threatened to whip him and send him away. The great man was very much afraid, and much appalled; but my wife kept him in her hand by her side, and confidently and constantly on my behalf resisted their threatenings, till they publicly protested against me for bringing them in; but she worthily engaged my whole fortunes for any damage should arise by or from them, till my return; which falling out presently after, I having by the way taken my brother in with me for the better prosecution of so noble a design, immediately I dispatched away a boat with six hands, one being a carpenter, to build the king an English house, my promise, at his coming first, being to comply in that matter. I sent £200 sterling in trust, to purchase and pay for what land they should like, the which in little time they effected and purchased, and paid for three great rivers, and also all such others as they should like of, southerly; [these three rivers we suppose to have been the Roanoke, the Pamlico or Tor, and the Neuse;][1] and in solemn manner took possession of the country, in the name, and on the behalf of the Commonwealth of England; and actual possession was solemnly given to them by the great Commander, and all the great men of the rest of the provinces, in delivering them a turf of the earth with an arrow shot into it; and so the Indians totally left the lands and rivers to us, retiring to a new habitation, where our people built the great Commander a fair house, the which I am to furnish with English utensils and chattels. In the interim, whilst the house was building for the

[1] We call this the Tor, not *Tar* or *Taw*, for a reason which will appear on a future page.

great Emperor of Rhoanoke, he undertook, with some of his Indians, to bring some of our men to the Emperor of the Tuskarorawes, and to that purpose sent embassadors before, and with two of our company set forth, and travelled within two days' journey of the place, where at a hunting quarter, the Tuskarorawes emperor, with two hundred and fifty of his men, met our company, and received them courteously; and after some days spent, desired them to go to his chief town, where he told them was one Spaniard residing, who had been seven years with them, a man very rich, having about thirty in family, seven whereof are negroes; and he had one more negro, leiger with a great nation called the Newxes [Newsioks]. He is sometimes, they say, gone from thence a pretty while. Our people had gone, but that the interpreter, with over-travelling himself, fell sick; yet the Tuskarorawe proffered him, if he would go, he would in three days' journey bring him to a great salt sea, and to places where they had copper out of the ground, the art of refining which they have perfectly; for our people saw much amongst them, and some plates of a foot square. There was one Indian had two beads of gold in his ears, big as rounceval peas; and they said there was much of that not far off. These allurements had drawn them thither, but for the interpreter's weakness, and the war, that was between a great nation called the Cacores [the Coranines, or Cores], a very little people in stature, not exceeding youths of thirteen or fourteen years, but extremely valiant and fierce in fight, and above belief swift in retirement and flight, whereby they resist the puissance of this potent, rich, and numerous people. There is another great nation by these called the Haynokes, who valiantly resist the Spaniard's further northern attempts. The Tuskarorawe told them the way to the sea was a plain road, much travelled for salt and copper; the salt is made by the sea itself, and some of it brought in to me. After the Tuskarorawe could not prevail, but our people would return, he sent his only son with a great man his tutor, and another great man and some other attendants with them; and when they came to the rest of our company, the house being done and finished, the Rowanoke with the Tuskarorawe prince and sundry other kings of the provinces, in all some forty-five in company, together with our six men, on May day last, arrived at my house. The Rowanoke brought his wife with him and his son to be baptized. It fell out happily, that my brother and many other friends were met at my house. The only present brought us was the turf of earth with the arrow shot into it, which was again solemnly delivered unto me, and received by me, in the name and on the behalf of the Commonwealth of England, to whom we really tender the sure possession of this rich and flourishing place; hoping only, that our properties and our

pains will not be forgotten. There is no man hath been at a penny charge but myself, and it hath already cost me three hundred pounds and upwards; and were my estate able, I should hope to give a better account of my well wishes to a general good. My hopes are I shall not want assistance from good patriots either by their good words or purses. Tuesday the third of May, the Rowanoke presented his child to the minister before the congregation to be baptized, which was solemnly performed in presence of all the Indians, and the child left with me to be bred up a Christian, which God grant him grace to become! At their departure, we appointed a further discovery by sea and land, to begin the first of July next. God guide us to his glory, and England's and Virginia's honor!

Sir, if you think good to acquaint the States with what is done by two Virginians born, you will honor our country. I have at this instant no present worthy your acceptance, but an arrow that came from the Indians inhabiting on the South Sea, the which we purpose, God willing, to see this summer, *non obstante periculo.* I am lastly, Sir, a suitor to you for some silk-worms' eggs, and materials for the making of silk, and what other good fruits, or roots or plants, may be proper for such a country. Above all, my desire is to the olive, some trees of which could we procure, would rejoice me; for wine we cannot want with industry. Thus desiring to kiss your hands, with the fair hands of my virtuous countrywoman, the worthily to be honored Mrs. Virginia Farrar,

I humbly take leave, and ever remain, Sir,

Your true honorer and affectionate

Servant to be commanded,

FRANCIS YARDLEY.

For the worshipful John Farrar, Esq., at his Manor of Little Gidding, in Huntingdonshire.

1663.

No. II.

LORDS PROPRIETORS TO SIR WILLIAM BERKELEY.

[*Reprinted from* CHALMERS, *and a manuscript copy in* MR. BANCROFT'S *collection.*]

SIR:— COCKPIT, *8th September*, 1663.

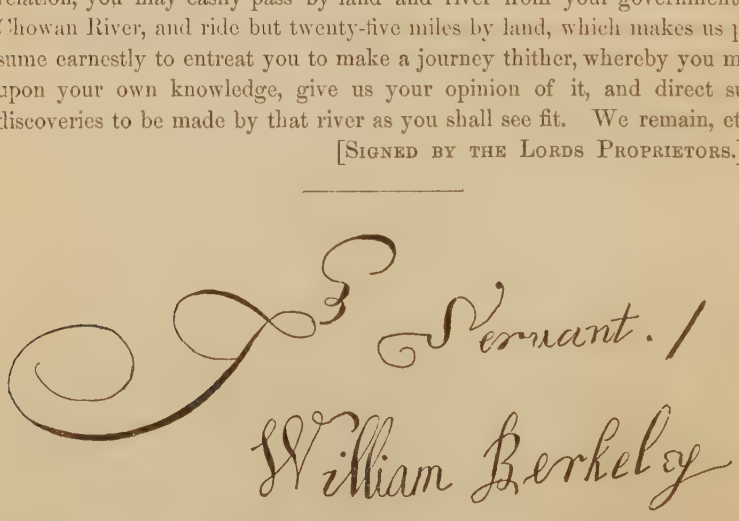
Since you left us we have endeavored to procure, and have at length obtained, his majesty's charter for the province of Carolina: a copy of which we do herewith send you. Since the sealing whereof, there hath

started a title, under a patent granted in the fifth year of King Charles I., to Sir Robert Heath, under which there hath been a claim by the Duke of Norfolk's agents, and another by Sir Richard Greenfield's heirs; but that all those that shall plant, notwithstanding that patent, are, by an act of king and council, secured, and that patent by king and council made null, and ordered to be made so by the king's attorney in the courts of law; a copy of which order we herewith send you; so that no person need scruple planting under our patent: besides, we have many more advantages than is in the other to encourage the undertakers. We are informed that there are some people settled on the northeast part of the river Chowan, and that others have inclinations to plant there, as also the larboard side, entering on the same river; so that we hold it convenient that a government be forthwith appointed for that colony; and for that end we have, by Captain Whittey, sent you a power to constitute one or two governors and councils, and other officers; unto which power we refer ourselves, we having only reserved the nomination of a surveyor and secretary, as officers that will be fit to take care of your and our interests; the one by faithfully laying out all lands, the other by justly recording the same.

We do likewise send you proposals, to all that will plant, which we prepared upon receipt of a paper from persons that desired to settle near Cape Fear, in which our considerations are as low as it is possible for us to descend. This was not intended for your meridian, where we hope to find more facile people, who, by your interest, may settle upon better terms for us, which we leave to your management, with our opinion that you grant as much as is possible, rather than deter any from planting there. By our instructions and proposals you will see what proportions of land we intend for each master and servant, and in what manner to be allowed; but we understand that the people that are there have bought great tracts of land from the Indians, which, if they shall enjoy, will weaken the plantation: first, because those persons will probably keep all those lands to themselves, and so make the neighborhood of others remote from their assistance in case of danger; secondly, if any new-comers would settle near their habitations, they will not, peradventure, admit it without purchasing, and possibly upon hard terms, which will discourage people from planting; wherefore it is our resolution and desire that you persuade or compel those persons to be satisfied with such proportions as we allot to others, which will be more than any such number of men, to and for whom these proportions are to be given, can manage, and therefore enough; more will but scatter the people, and render them liable to be easily destroyed by any enemy; so that the fixing the way that our instructions mention, will be the best course of

settling, as we conceive. However, we do leave it to you that are on the place and can best judge. The reason of giving you power to settle two governors—that is, of either side of the river one—is, because some persons that are for liberty of conscience may desire a governor of their own proposing, which those on the other side of the river may not so well like; and our desire being to encourage those people to plant abroad, and to stock well those parts with planters, incite us to comply always with all sorts of persons, as far as possibly we can. You will be best able to judge when you hear all parties, and therefore refer the thing wholly to you. The entrance into Chowan River is difficult, and water but for small vessels. But we understand that there is an entrance, bold and deep water, in the latitude of 34, which is near the rivers called the Neus and Pemlico, which we conceive may be best discovered from your parts. In order to which we desire you to procure, at freight or otherwise, some small vessel, that draws little water, to make that discovery, and some others into the Sound, through which great ships may, peradventure, come to Chowan, and give us admittance into the other brave rivers that lie in the Sound; and whilst they are abroad they may look into Charles River, a very little to the southward of Cape Fear, and give us an account of what is there. This work we hold necessary to be done, that the king may see we sleep not with his grant, but are promoting his service, and his subjects' profit. By Captain Whittey's relation, you may easily pass by land and river from your government to Chowan River, and ride but twenty-five miles by land, which makes us presume earnestly to entreat you to make a journey thither, whereby you may, upon your own knowledge, give us your opinion of it, and direct such discoveries to be made by that river as you shall see fit. We remain, etc.

[Signed by the Lords Proprietors.]



Fac-simile of Berkeley's signature.

1663.

No. III.

Letter from the English Members of the Cape Fear Company to the Lords Proprietors.

[*Reprinted from Mass. Hist. Collections—Third Series*—Vol. I., p. 56.]

From London, August, 1663. *At a Meeting of Adventurers about Cape Fayre.*

London, *Thursday, August the 6th*, 1663.

At a meeting of several persons, who have, with several others of New England, subscribed themselves as adventurers for the carrying on a plantation in Charles River on the coast of Florida.

1. Whereas a paper in the name of the right honorable the Earl of Clarendon, lord high chancellor of England, George, duke of Albemarle, and divers other right honorable persons, to whom the whole coast of Florida hath been lately granted by his most excellent majesty, hath been sent down to the said adventurers, referring to certain proposals tendered to their said lordships, as the proper act and desires of the said adventurers, and being an answer to the said proposals; the said adventurers, upon diligent inquiry, not being able to find out who should be the author of the said paper, do judge it their duty, in all humbleness, to acquaint their lordships that they are altogether strangers to it, and know nothing of the delivery of it.

[The paper alluded to, purported to come from the *New* England adventurers.]

2. That upon consideration, nevertheless, of their lordships' said paper, and of several concessions, privileges, and immunities therein freely offered by their lordships for the encouragement of the said adventurers, and for the further promoting of the said plantation of Charles River, the said adventurers cannot but acknowledge the greatness of the favor and condescension of their said lordships to them, upon the confidence and assurance of which they crave leave further to represent to their lordships—

3. That as they were invited at first to be subscribers to the said plantation of Charles River, by several persons of New England, so the great motive that did principally induce them to the said subscription was the liquid and clear assurance that was given them, that the said New Englanders had an equitable title to the harbor and soil of the said river, together with the lands adjacent; and that though many others of quality had long

before indeed sailed upon the coast of Florida, and had settled and taken possession of some other part of that large and vast country, yet that the said New Englanders, and they only, were the first that did ever, bona fide, set foot in that particular harbor, and that did find out the entrance and discovery of the said river.

Which thing, as it hath been confidently represented from these of New England unto the said adventurers here, so, upon the very ground of that as a truth, as also of the general custom in that and other plantations (as well Dutch and French as English), that all that buy lands of the chief kings in those places (who only challenge to themselves the having a right to the sale of them), shall enjoy the absolute benefit and property of them against all persons, English or others; the said New Englanders having purchased the said river and soil, and lands adjacent, of the said kings, did so far presume upon the interest of the said purchase, together with the said discovery, as to give directions to several of their friends here immediately to apply to his majesty for a patent for the said river and soil, as belonging (according to their apprehension) of right to them, and as no way doubting the obtaining thereof, as may appear by the copy of their said letter hither.

4. The said adventurers further humbly represent, That as upon these grounds, and these only, they became invited to share in the adventures of those in New England, and to cast in at first a small sum for an assistance or supply to the said undertaking; so, forasmuch as the said adventurers here do act but as a minor part of those other adventurers there, and as wholly intrusted also from those there, they find not themselves qualified or enabled to do any thing therefore here that may prejudice or conclude the other adventurers there, in that which may be their just pretension or supposition of a right, how weak or how much mistaken soever the ground of that right may possibly appear, which they determine not.

The said adventurers further humbly represent—

5. That there cannot be any easy encouragement for the planting of the lands of the said Charles River immediately from hence, by reason of the excessive and insupportable charge that would attend such an undertaking of transporting and supplying all things necessary for the said plantation, at so great and so extraordinary a distance; that as the undertaking, therefore, of the said plantation, and vigorous prosecution of it with men, cattle, and all other provisions as shall be judged necessary for the accomplishing and completing so great an engagement and action, must rationally be begun in, and set forth from, some other of the plantations abroad; so none is humbly conceived to be so fit to supply all those necessaries in abundance at first, and to do it at so easy a rate, as that of New England is.

But forasmuch as all the English living in the several colonies of New England have ever held and enjoyed the benefits granted to other corporations, and have ever had, as well as some other plantations, full liberty to choose their own governors among themselves, to make and confirm laws with themselves, with immunity also wholly from all taxes, charges, and impositions whatsoever, more than what is laid upon themselves by themselves; it is therefore the humble opinion of the said adventurers, and (as what they fear) is humbly tendered to the considerations of their lordships—

That the said several adventurers in New England, who have some of them considerable interests and estates there, how much soever they have declared their willingness, forwardness, and resolution to transport and remove themselves and their respective families unto the said Charles River, and to settle there, will nevertheless decline the said resolution again; and will not, by any arguments that may be used by the said adventurers here, be induced to unsettle themselves, and to run all the hazards that must be considered in such doubtful undertakings; nor, if willing, will be able to persuade others to join with them there, if they shall hear, or be acquainted beforehand, that no one of the said privileges before mentioned, and which have hitherto always been enjoyed by them, are like to be allowed or preserved entire to them.

The said adventurers do further represent, that at the present the undertaking of the plantation of the said Charles River lieth under some obloquy, that hath given a check to it; some that were sent from New England thither, in order to the carrying on the said settlement, being come back again without so much as sitting down upon it; and for the better justification of themselves in their return, have spread a reproach both upon the harbor and upon the soil of the river itself; which check, if now also seconded with a discouragement from hence, in reference to their government, or with an intimation that they may not expect in the same river the same usual and accustomed privileges, that all the said colonies of New England, with other colonies, have ever had, it is humbly feared that all thoughts of further proceeding in the said river will be wholly laid aside by them.

Wherefore, inasmuch as the said adventurers here have only power to return back to those of New England what they shall receive as the pleasure of those right honorable persons that are the lords patentees; forasmuch, also, as from the several discourses had and favors already received, the said adventurers here cannot but have a strong confidence of their lordships' inclination and propenseness to give all just and possible encour-

agement to undertakings, so public as all things of this nature are; the said adventurers could not find any way better how to discharge the faithfulness of that duty and respect which becomes them to demonstrate towards their lordships, than thus candidly and sincerely to state to their lordships the nature of their adventure, partnership, and subscription with others, the nature also of their dependence on others, as being but a minor part to them of New England, and as having their discretions here intrusted, at furthest, no further than for the obtaining and securing such things, too, for them of New England, as are pursuant to the directions sent hither from them, and as they here shall judge may most tend to a satisfactory and lasting encouragement to them.

No. IV.

Proposals of the Lords Proprietors to all that will Plant in Carolina.

1663.

[*Reprinted from* Rivers' *Historical Sketches of South Carolina. Appendix*, p. 335.]

A DECLARATION AND PROPOSALS TO ALL THAT WILL PLANT IN CAROLINA.

25 *Aug.*, 1663.

His majesty having been graciously pleased, by his charter bearing date the 24th of March, in the 15th year of his reign, out of a pious and good intention for the propagation of the Christian faith amongst the barbarous and ignorant Indians, the enlargement of his empire and dominions, and enriching of his subjects, to grant and confirm to us, Edward, earl of Clarendon, high chancellor of England, George, duke of Albemarle, master of his majesty's horse and captain-general of all his forces, William, Lord Craven, John, Lord Berkeley, Anthony, Lord Ashley, chancellor of his majesty's exchequer, Sir George Carteret, knight and baronet, vice-chamberlain of his majesty's household, William Berkley, knight, and Sir John Colleton, knight and baronet, all that territory or tract of ground with the islands and islets situate, lying, and being in his dominions in America, extending from the north end of the island called Lucke Island, which lieth in the Southern Virginia sea, and within 36 degrees of the northern latitude, and to the west as far as the South seas, and so southwardly as far as the river St. Matthias which bordereth upon the coast of Florida, and within

—— degrees of the northern latitude; in pursuance of which grant, and with a clear and good intention to make those parts useful and advantageous to his majesty and his people: we do hereby declare and propose to all his majesty's loving subjects wheresoever abiding or residing, and do hereby engage inviolably to perform and make good these ensuing proposals in such manner as the first undertakers of the first settlement shall reasonably desire.

1. If the first colony will settle on Charles River near Cape Fear, which seems to be desired, it shall be free for them so to do on the larboard side entering [south side]. If in any other part of the territory, then to choose either side, if by a river; we reserving to ourselves twenty thousand acres of land, to be bounded and laid out by our agents in each settlement, in such places as they shall see fit, and in such manner that the colony shall not be thereby incommoded or weakened; which we intend by our agents or assignees in due time to settle and plant, they submitting to the government of that colony.

2. That the first colony may have power, when desired, at their own charge to fortify the entrance of the river, as also the sea-coast and islands; they engaging to be true and faithful to his majesty, his heirs and successors, by some oath or engagement of their own framing.

3. That the undertakers of that settlement do, before they or any of them repair thither to settle, present to us thirteen persons of those that intend to go, of which number we shall commissionate one to be Governor, for three years from the date of his commission, and six more of the thirteen to be of his council, the major part of which number, the Governor or his deputy to be one, to govern for the time aforesaid; and will also nominate successors to the Governor, who shall be of the six councillors aforesaid, to succeed in the government, in case of death or removal; and likewise councillors out of the remaining six of the thirteen to succeed in case of death or removal of any of the councillors, and after the expiration of the first three years, and so successively for every three years. Upon or before the 25th day of March, before the expiration of the time of the Governor in, being a new presentment by the freeholders of the colony, or by such persons as they shall constitute, to be made of the thirteen persons, four of which shall consist of those that shall be in the government at the time of the election of the thirteen, out of which we will, upon or before the 10th day of April following, declare and commissionate a Governor and six councillors with their respective successors in case and manner as aforesaid.

4. We shall, as far as our charter permits us, empower the major part of the freeholders, or their deputies or assembly-men, to be by them chosen

out of themselves, viz.: two out of every tribe, division, or parish, in such manner as shall be agreed on, to make their own laws, by and with the advice and consent of the Governor and council, so as they be not repugnant to the laws of England, but, as near as may be, agreeing with them in all civil affairs, with submission to a superintendency of a general council, to be chosen out of every government of the province, in manner as shall be agreed on for the common defence of the whole; which laws shall, within one year after publication, be presented to us to receive our ratification, and to be in force until said ratification be desired and by us certified; but if once ratified, to continue until repealed by the same power, or by time expired.

5. We will grant, in as ample manner as the undertakers shall desire, freedom and liberty of conscience in all religious or spiritual things, and to be kept inviolably with them, we having power in our charter so to do.

6. We will grant the full benefit of these immunities to the undertakers and settlers which, by the charter, is granted to us (for our services to his majesty) in relation to freedom of customs, of tools of all sorts useful there, to be exported from England for the planters' use; and of certain growths of the plantations, as wine, oil, raisins of all sorts, olives, capers, wax, currants, almonds, and silks, to be imported into any of his majesty's dominions for seven years for each commodity, after four tons of every respective species is imported as aforesaid in one bottom.

7. We will grant to every present undertaker for his own head, one hundred acres of land, to him and his heirs forever, to be held in free and common soccage; and for every man-servant that he shall bring or send thither, that is fit to bear arms, armed with a good firelock musket, performed bore, twelve bullets to the pound, and with twenty pounds of powder and twenty pounds of bullets, fifty acres of land; and for every woman-servant thirty acres; and to every man-servant that shall come within that time, ten acres after the expiration of his time; and to every woman-servant six acres after the expiration of her time. Note that we intend not hereby to be obliged to give the proportions of lands above mentioned to masters and servants, longer than in the first five years, to commence at the beginning of the first settlement.

8. We will enjoin the Governor and council to take care that there be always one man armed and provided as aforesaid in the colony, for every fifty acres which we shall grant, and that there be a supply to make up the number in case of death or quitting the colony by the owners of said lands within twelve months after giving notice of the defect.

In consideration of the premises, we do expect by way of acknowledgment, and towards the charge we have been and shall be at, one half-penny for

every acre that shall be granted as aforesaid, within the time before limited and expressed; and that the court-houses and houses for public meetings be erected by the public moneys of the colony on the lands taken up by us; but to be and continue to the country's use forever, they paying some small acknowledgment.

Given under our hands this twenty-fifth day of August, Anno Domini, 1663.

No. V.

Report of Commissioners sent from Barbadoes to explore the River Cape Fear, in 1663.

[*Reprinted from* Lawson's *History of North Carolina*, p. 65.]

From Tuesday, the 29th of September, to Friday, the 2d of October, we ranged along the shore from lat. 32 deg. 20 min. to lat. 33 deg. 11 min., but could discern no entrance for our ship, after we had passed to the northward of 32 deg. 40 min. On Saturday, October 3, a violent storm overtook us, the wind between north and east; which easterly winds and foul weather continued till Monday the 12th; by reason of which storms and foul weather we were forced to get off to sea, to secure ourselves and ship, and were driven by the rapidity of a strong current to Cape Hatteras, in lat. 35 deg. 30 min. On Monday the 12th, aforesaid, we came to an anchor in seven fathoms at Cape Fair Road, and took the meridian altitude of the sun, and were in lat. 33 deg. 43 min., the wind still continuing easterly, and foul weather till Thursday the 15th; and on Friday the 16th, the wind being at N. W., we weighed and sailed up Cape Fair River some four or five leagues, and came to an anchor in six or seven fathom, at which time several Indians came on board, and brought us great store of fresh fish, large mullets, young bass, shads, and several other sorts of very good, well-tasted fish. On Saturday the 17th, we went down to the cape to see the English cattle, but could not find them, though we rounded the cape, and having an Indian guide with us: here we rode till October 24th. The wind being against us, we could not go up the river with our ship; but went on shore and viewed the land of those quarters.

On Saturday we weighed, and sailed up the river some four leagues or thereabouts.

Sunday the 25th, we weighed again, and rowed up the river, it being calm, and got up some fourteen leagues from the harbor's mouth, where we moored our ship.

On Monday, October 26th, we went down with the yawl to *Necoes*, an Indian plantation, and viewed the land there.

On Tuesday the 27th, we rowed up the main river with our long-boat and twelve men, some ten leagues or thereabouts.

On Wednesday the 28th, we rowed up about eight or ten leagues more.

Thursday the 29th was foul weather, with much rain and wind, which forced us to make huts and lie still.

Friday the 30th, we proceeded up the main river seven or eight leagues.

Saturday the 31st, we got up three or four leagues more, and came to a tree that lay across the river; but because our provisions were almost spent, we proceeded no further, but returned downward before night; and on Monday, the 2d of November, we came aboard our ship.

Tuesday the 3d, we lay still to refresh ourselves.

On Wednesday the 4th, we went five or six leagues up the river to search a branch that run out of the main river towards the northwest. In which branch we went up five or six leagues; but not liking the land, returned on that night about midnight, and called that place *Swampy Branch.*

Thursday, November 5th, we stayed aboard.

On Friday the 6th, we went up *Green's River*, the mouth of it being against the place at which rode our ship.

On Saturday the 7th, we proceeded up the said river, some fourteen or fifteen leagues in all, and found it ended in several small branches. The land, for the most part, being marshy and swamps, we returned towards our ship, and got aboard it in the night.

Sunday, November the 8th, we lay still; and on Monday the 9th went again up the main river, being well stocked with provisions and all things necessary, and proceeded upward till Thursday noon, the 12th, at which time we came to a place where were two islands in the middle of the river; and by reason of the crookedness of the river at that place, several trees lay across both branches, which stopped the passage of each branch, so that we could proceed no further with our boat; but went up the river-side by land some three or four miles, and found the river wider and wider. So we returned, leaving it, as far as we could see up, a long reach running N. E., we judging ourselves near fifty leagues north from the river's mouth.

[If this estimate of distance on the *main* river be correct, the explorers must have ascended the Cape Fear as high as where Fayetteville now stands, if not above that point.]

On our return we viewed the land on both sides the river, and found as good tracts of dry, well-wooded, pleasant, and delightful ground as we have seen anywhere in the world, with abundance of long thick grass on it, the

land being very level, with steep banks on both sides the river, and in some places very high; the woods stored everywhere with great numbers of deer and turkeys,—we never going on shore but we saw of each sort; as also great store of partridges, cranes, and conies in several places: we likewise heard several wolves howling in the woods, and saw where they had torn a deer in pieces. Also in the river we saw great store of ducks, teal, widgeon; and in the woods, great flocks of paroquitos. The timber that the woods afford, for the most part consists of oaks of four or five sorts, all differing in leaves, but each bearing very good acorns. We measured many of the oaks in several places, which we found to be, in bigness, some two, some three, and others almost four fathoms in height, before you come to boughs or limbs—forty, fifty, sixty foot, and some more; and those oaks very common in the upper parts of both rivers: also a very tall, large tree of great bigness, which some call cypress, the right name we know not, growing in swamps. Likewise walnut, birch, beech, maple, ash, bay, willow, alder, and holly; and in the lowermost parts innumerable pines, tall and good for boards or masts, growing for the most part in barren and sandy, but in some places up the river, in good ground, being mixed among oaks and other timbers.

We saw mulberry-trees, multitudes of grape-vines, and some grapes, which we eat of. We found a very large and good tract of land on the N. W. side of the river, thin of timber, except here and there a very great oak, and full of grass, commonly as high as a man's middle, and in many places to his shoulders, where we saw many deer and turkeys; one deer having very large horns and great body, therefore called it *Stag-Park*.

It being a very pleasant and delightful place, we travelled in it several miles, but saw no end thereof. So we returned to our boat, and proceeded down the river, and came to another place, some twenty-five leagues from the river's mouth on the same side, where we found a place no less delightful than the former; and, as far as we could judge, both tracts came into one. This lower place we called *Rocky Point*, because we found many rocks and stones of several sizes upon the land, which is not common. We sent our boat down the river before us, ourselves travelling by land many miles. Indeed, we were so much taken with the pleasantness of the country, that we travelled into the woods too far to recover our boat and company that night.

The next day, being Sunday, we got to our boat; and on Monday, the 16th of November, proceeded down to a place on the east side of the river, some twenty-three leagues from the harbor's mouth, which we called *Turkey Quarters*, because we killed several turkeys thereabouts. We viewed

the land there, and found some tracts of good ground, and high, facing upon the river about one mile inward; but backward, some two miles, all pine land, but good pasture-ground.

We returned to our boat, and proceeded down some two or three leagues, where we had formerly viewed, and found it a tract of as good land as any we have seen, and had as good timber on it. The banks on the river being high, therefore we called it *High Land Point.*

Having viewed that, we proceeded down the river, going on shore in several places on both sides, it being generally large marshes, and many of them dry, that they may more fitly be called meadows. The woodland against them is, for the most part, pine, and in some places as barren as ever we saw land, but in other places good pasture-ground.

On Tuesday, November the 17th, we got aboard our ship, riding against the mouth of Green's River, where our men were providing wood, and fitting the ship for sea. In the interim we took a view of the country on both sides of the river there, finding some good land, but more bad, and the best not comparable to that above.

Friday the 20th was foul weather; yet in the afternoon we weighed, went down the river about two leagues, and came to an anchor against the mouth of Hilton's River, and took a view of the land there on both sides, which appeared to us much like that at Green's River.

Monday the 23d, we went with our long-boat, well victualled and manned, up Hilton's River; and when we came three leagues or thereabouts up the same, we found this and Green's River to come into one, and so continued for four or five leagues, which makes a great island betwixt them. We proceeded still up the river till they parted again; keeping up Hilton's River, on the larboard side, and followed the said river five or six leagues further, where we found another large branch of Green's River to come into Hilton's, which makes another great island. On the starboard side going up, we proceeded still up the river, some four leagues, and returned, taking a view of the land on both sides, and then judged ourselves to be from our ship some eighteen leagues W. and by N.

One league below this place came four Indians in a canoe to us, and sold us several baskets of acorns, which we satisfied them for, and so left them; but one of them followed us on the shore some two or three miles, till he came on the top of a high bank, facing on the river; and as we rowed underneath it, the fellow shot an arrow at us, which very narrowly missed one of our men, and stuck in the upper edge of the boat, but broke in pieces, leaving the head behind. Hereupon we presently made to the shore, and went all up the bank (except four to guide the boat) to look for the Indian,

but could not find him. At last we heard some sing, further in the woods, which we looked upon as a challenge to us to come and fight them. We went towards them with all speed, but before we came in sight of them, heard two guns go off from our boat; whereupon we retreated as fast as we could to secure our boat and men. When we came to them, we found all well, and demanded the reason of their firing the guns. They told us that an Indian came creeping along the bank, as they supposed, to shoot at them; and therefore they shot at him, at a great distance, with small shot, but thought they did him no hurt, for they saw him run away.

Presently, after our return to the boat, and while we were thus talking, came two Indians to us, with their bows and arrows, crying *Bonny, Bonny*. We took their bows and arrows from them, and gave them beads, to their content; then we led them by the hand to the boat, and showed them the arrow-head sticking in her side, and related to them the whole passage; which, when they understood, both of them showed a great concern, and signified to us by signs that they knew nothing of it: so we let them go, and marked a tree on the top of the bank, calling the place *Mount Skerry*.

We looked up the river as far as we could discern and saw that it widened, and came running directly down the country: so we returned, viewing the land on both sides the river, and finding the banks steep in some places, but very high in others. The bank-sides are generally clay, and, as some of our company did affirm, some marl. The land and timber up this river is no way inferior to the best in the other, which we call the main river. So far as we could discern, this seemed as fair if not fairer than the former, and we think runs further into the country, because a strong current comes down, and a great deal more drift-wood.

But to return to the business of the land and timber. We saw several plots of ground cleared by the Indians after their weak manner, compassed round with great timber-trees, which they are nowise able to fell, and so keep the sun from cornfields very much; yet nevertheless we saw as large cornstalks, or larger, than we have seen anywhere else: so we proceeded down the river, till we found the canoe the Indian was in who shot at us. In the morning we went on shore and cut the same in pieces. The Indians perceiving us coming towards them, ran away. Going to his hut, we pulled it down, broke his pots, platters, and spoons, tore the deer-skins and mats in pieces, and took away a basket of acorns; and afterwards proceeded down the river two leagues or thereabouts, and came to another place of Indians, bought acorns and some corn of them, and went downwards two leagues more.

At last, espying an Indian peeping over a high bank, we held up a gun at him; and calling to him *Skerry*, presently several Indians came in sight of us, and made great signs of friendship, saying *Bonny, Bonny.* Then running before us, they endeavored to persuade us to come on shore; but we answered them with stern countenances, and called out *Skerry*, taking up our guns and threatening to shoot at them, but they still cried *Bonny, Bonny.* And when they saw they could not prevail, nor persuade us to come on shore, two of them came off to us in a canoe, one paddling with a great cane, the other with his hand. As soon as they overtook us, they laid hold of our boat, sweating and blowing, and told us it was *Bonny* on shore, and at last persuaded us to go ashore with them. As soon as we landed, several Indians, to the number of near forty lusty men, came to us, all in a great sweat, and told us *Bonny:* we showed them the arrow-head in the boat-side, and a piece of the canoe we had cut in pieces. Whereupon the chief man amongst them made a long speech, threw beads into our boat, which is a sign of great love and friendship, and gave us to understand that, when he heard of the affront which we had received, it caused him to cry; and that he and his men were come to make peace with us, assuring us, by signs, that they would tie the arms and cut off the head of the fellow who had done us that wrong. And, for a further testimony of their love and goodwill towards us, they presented us with two very handsome, proper, young Indian women, the tallest that ever we saw in this country, which we supposed to be the king's daughters, or persons of distinction among them. Those young women were so ready to come into our boat, that one of them crowded in, and would hardly be persuaded to go out again. We presented the king with a hatchet and several beads, and made presents of beads also to the young women, the chief men, and the rest of the Indians as far as our beads would go. They promised us, in four days, to come on board our ship, and so departed from us. When we left the place, which was soon after, we called it *Mount Bonny*, because we had there concluded a firm peace.

Proceeding down the river two or three leagues further, we came to a place where were nine or ten canoes all together. We went ashore there and found several Indians, but most of them were the same which had made peace with us before. We stayed very little at that place, but went directly down the river, and came to our ship before day.

Thursday the 26th of November, the wind being at south, we could not go down to the river's mouth; but on Friday the 27th, we weighed at the mouth of Hilton's River, and got down a league towards the harbor's mouth.

On Sunday the 29th, we got down to Crane Island, which is four leagues

or thereabouts above the entrance of the harbor's mouth. On Tuesday the 1st of December, we made a purchase of the river and land of *Cape Fair*, of *Wat-Coosa*, and such other Indians as appeared to us to be the chief of those parts. They brought us store of fresh fish aboard, as mullets, shads, and other sorts, very good.

This river is all fresh water, fit to drink. Some eight leagues within the mouth, the tide runs up about thirty-five leagues, but stops and rises a great deal further up. It flows, at the harbor's mouth, S. E. and N. W., six foot at neap tides and eight foot at spring tides. The channel on the east side, by the cape shore, is the best, and lies close aboard the cape land, being three fathoms, at high water, in the shallowest place in the channel, just at the entrance; but as soon as you are past that place half a cable's length inward, you have six or seven fathoms, a fair turning channel into the river, and so continuing five or six leagues upward. Afterwards the channel is more difficult, in some places six or seven fathoms, in others four or five, and in others but nine or ten feet, especially where the river is broad. When the river comes to part and grows narrow, there it is all channel from side to side in most places; though in some you shall have five, six, or seven fathoms, but generally two or three, sand and ooze.

We viewed the cape land and judged it to be little worth, the woods of it being shrubby and low, and the land sandy and barren; in some places grass and rushes, in others nothing but clear sand—a place fitter to starve cattle, in our judgment, than to keep them alive; yet the Indians, as we understand, keep the English cattle down there, and suffer them not to go off of the said cape (as we suppose), because the country Indians shall have no part with them; and therefore 'tis likely they have fallen out about them, which shall have the greatest share. They brought on board our ship very good and fat beef several times, which they sold us at a very reasonable price, also fat and very large swine, good and cheap; but they may thank their friends of New England, who brought their hogs to so fair a market. Some of the Indians brought very good salt aboard us, and made signs, pointing to both sides of the river's mouth, that there was great store thereabouts. We saw, up the river, several good places for the setting up of corn or saw mills. In that time, as our business called us up and down the river and branches, we killed of wild fowl four swans, ten geese, twenty-nine cranes, ten turkeys, forty ducks and mallards, three dozen of paroquitos, and six dozen of other small fowls, as curlews and plover, &c.

Whereas there was a writing left in a post, at the point of *Cape Fair* River, by those New England men that left cattle with the Indians there, the contents whereof tended not only to the disparagement of the land about

the said river, but also to the great discouragement of all such as should hereafter come into those parts to settle. In answer to that scandalous writing, we, whose names are underwritten, do affirm, that we have seen, facing both sides of the river and branches of *Cape Fair* aforesaid, as good land and as well timbered as any we have seen in any other part of the world, sufficient to accommodate thousands of our English nation, and lying commodiously by the said river's side.

On Friday the 4th of December, the wind being fair, we put out to sea, bound for Barbadoes; and on the 6th of February, 1663–4, came to an anchor in Carlisle Bay—it having pleased God, after several apparent dangers both by sea and land, to bring us all in safety to our long-wished for and much-desired port, to render an account of our discovery, the verity of which we do assert.

ANTHONY LONG,
WILLIAM HILTON,
PETER FABIAN.

[For the sites of places named in this narrative, the reader may refer to the map appended to No. 6 of the preliminary documents of this chapter. The different aspects in which the country presented itself to the eyes of the New England and the Barbadoes men may readily be explained. The former remained, for the most part, among the sand-hills near the mouth of the river, while the latter made extensive explorations up all the streams, where we know they must have seen some good land. Beside, the Barbadoes men had been for some time agriculturists in a region which made them familiar enough with the growth of timber which indicated a good soil in the latitude of Cape Fear; and every Southern planter will at once be struck with the particularity which marks their enumeration of the species of trees growing on each body of land they examined, and will understand its meaning. The men from Bardadoes were better qualified than those from New England to judge of the country in its agricultural resources, and, besides, saw a great deal more of it. New England men attempted to make of it a grazing country, for which it is unfit; this was seen at once by the West Indian explorers. Their survey and soundings of the harbor and river seem to have been carefully made; and probably up to the time of their visit, no examination of equal accuracy had ever been made on any part of our coast.]

No. VI.

A BRIEF DESCRIPTION

OF THE

PROVINCE OF CAROLINA, ON THE COASTS OF FLORIDA;

And more particularly of a new Plantation begun by the English at Cape Feare, on that river, now by them called Charles River, the 29th of May, 1664. Wherein is set forth the healthfulness of the air, the fertility of the earth and waters, and the great pleasure and profit will accrue to those that shall go thither to enjoy the same. Also, directions and advice to such as shall go thither, whether on their own accounts or to serve under another. Together with a most accurate Map of the whole Province. London : Printed for Robert Horne, in the first Court of Gresham College, near Bishopsgate-street. 1666.

[*Reprinted from a copy in the author's library.*]

A BRIEF DESCRIPTION OF THE PROVINCE OF CAROLINA, ETC.

Carolina is a fair and spacious province on the continent of *America*, so called in honor of his sacred majesty that now is, *Charles the Second*, whom God preserve; and his majesty hath been pleased to grant the same to certain honorable persons, who, in order to the speedy planting of the same, have granted divers privileges and advantages to such as shall transport themselves and servants in convenient time. This province, lying so near *Virginia*, and yet more southward, enjoys the fertility and advantages thereof; and yet is so far distant, as to be freed from the inconstancy of the weather, which is a great cause of the unhealthfulness thereof; also, being in the latitude of the *Barmoodoes*, may expect the like healthfulness which it hath hitherto enjoyed, and doubtless there is no plantation that ever the *English* went upon, in all respects so good as this: for though *Barmoodoes* be wonderful healthy and fruitful, yet it is but a prison to the inhabitants, who are much straitened for want of room, and therefore many of them are come to *Carolina*, and more intend to follow. There is seated in this province two colonies already: one on the river *Roanoak* (now called *Albemarle* River), and borders on *Virginia;* the other at *Cape Feare*, two degrees more southerly; of which follows a more particular description.

This province of *Carolina* is situate on the main continent of *America*, between the degrees of 30 and 36, and hath on the north, the south part of *Virginia;* on the south is bounded by the 30th degree of latitude, not yet

fully discovered; on the east is *Mare Atlanticum*, part of the great ocean; and on the west the wealthy South Sea is its confines.

The Particular Description of Cape Feare.

In the midst of this fertile province, in the latitude of 34 degrees, there is a colony of *English* seated, who landed there the 29th May, *Anno* 1664, and are in all about eight hundred persons, who have overcome all the difficulties that attend the first attempts, and have cleared the way for those that come after, who will find good houses to be in whilst their own are in building; good forts to secure them from their enemies; and many things brought from other parts there, increasing to their no small advantage. The entrance into the river, now called *Cape Feare* River, the situation of the cape, and trending of the land, is plainly laid down to the eye in the map annexed. The river is barred at the entrance, but there is a channel close aboard the cape that will convey in safety a ship of three hundred tons; and as soon as a ship is over the bar, the river is five or six fathoms deep for a hundred miles from the sea. This bar is a great security to the colony against a foreign invasion, the channel being hard to find by those that have not experience of it, and yet safe enough to those that know it.

The Earth, Water, and Air.

The land is of divers sorts, as in all countries of the world: that which lies near the sea is sandy and barren, but beareth many tall trees, which make good timber for several uses; and this sandy ground is, by experienced men, thought to be one cause of the healthfulness of the place; but up the river, about twenty or thirty miles, where they have made a town, called *Charles-Town*, there is plenty of as rich ground as any in the world. It is a blackish mould upon a red sand, and under that a clay, but in some places is rich ground of a grayer color. They have made brick of the clay, which proves very good; and lime they have also for building. The whole country consists of stately woods, groves, marshes, and meadows; it abounds with variety of as brave oaks as eye can behold; great bodies, tall and straight, from sixty to eighty feet before there be any boughs, which with the little underwood makes the woods very commodious to travel in, either on horseback or afoot. In the barren sandy ground grow most stately *pines*, white and red *cedars*, *ash*, *birch*, *holly*, *chestnut*, and *walnut* trees of great growth, and very plentiful. There are many sorts of fruit trees: as *vines*, *medlars*, *peach*, *wild cherries*, mulberry-trees, and the *silk-worm* breeding naturally on them, with many other trees for fruit and for building, for perfume, and for medicine, for which the *English* have no

name; also several sorts of dyeing stuff, which may prove of great advantage. The woods are stored with deer and wild turkeys, of a great magnitude, weighing many times above fifty pounds apiece, and of a more pleasant taste than in *England*, being in their proper climate; other sorts of beasts in the woods that are good for food, and also fowls, whose names are not known to them. This is what they found naturally upon the place; but they have brought with them most sorts of seeds and roots of the *Barbadoes*, which thrive very well; and they have *potatoes*, and the other roots and herbs of Barbadoes, growing and thriving with them; as also from *Virginia*, *Barmoodoes*, and *New England*, what they could afford. They have *indigo*, *tobacco* very good, and *cotton-wool*; *lime-trees*, *orange*, *lemon*, and other fruit trees they brought, thrive exceedingly. They have two crops of *Indian* corn in one year, and great increase every crop. *Apples*, *pears*, and other *English* fruit, grow there out of the planted kernels. The marshes and meadows are very large, from fifteen hundred to three thousand acres and upwards, and are excellent food for cattle, and will bear any grain being prepared. Some cattle, both great and small, will live well all the winter, and keep their fat, without fodder. Hogs find so much mast and other food in the woods, that they want no other care than a swineherd to keep them from running wild. The meadows are very proper for *rice*, *rape-seed*, *linseed*, &c., and may many of them be made to overflow at pleasure with a small charge. Here are as brave rivers as any in the world, stored with great abundance of *sturgeon*, *salmon*, *bass*, *place*, *trout*, and *Spanish mackerel*, with many other most pleasant sorts of fish, both flat and round, for which the *English* tongue hath no name. Also in the little winter, they have abundance of *wild geese*, *ducks*, *teals*, *widgeons*, and many other pleasant fowl; and (as it is said before) the rivers are very deep and navigable above one hundred miles up; also there are wholesome springs and rivulets. Last of all, the air comes to be considered, which is not the least considerable to the well-being of a plantation, for without a wholesome air all other considerations avail nothing; and this is it which makes this place so desirable, being seated in the most temperate clime, where the neighborhood of the glorious light of heaven brings many advantages, and his convenient distance secures them from the inconvenience of his scorching beams. The summer is not too hot, and the winter is very short and moderate, best agreeing with *English* constitutions. *Cape Feare* lies about 34 degrees from the equator; the nights nor days are so long, when at longest, as in *England*, by somewhat above two hours. A remarkable instance of the healthfulness of the place is, that at the first setting down of the colony, when they had no house, nor harbor, but wrought hard all day in preparing

wood to build, and lay in the open air all night, yet not one of them was ill, but continued well all the time. They sympathize most with the *Barmoodoes*, which is the healthfulest spot in the world; and yet the last year they had a fever and ague that troubled them much, which also was at *Cape Feare*, but was not dangerous to any that took care of themselves, and had things convenient. This place had been aimed at many years since. Sir *Walter Raleigh* had a design to have planted it. Those of the *Barmoodoes*, whose habitations are too strait for them, have, with longing desire, waited for the discovery of this place, that is near their own latitude, where they may expect the same healthfulness they do now enjoy, which is now perfected as to the first settlement, and wants nothing but a diligent prosecution of so noble an enterprise.

If therefore any industrious and ingenious persons shall be willing to partake of the felicities of this country, let them embrace the first opportunity, that they may obtain the greater advantages.

The chief of the privileges are as follows:

First. There is full and free liberty of conscience granted to all, so that no man is to be molested or called in question for matters of religious concern; but every one to be obedient to the civil government, worshipping God after their own way.

Secondly. There is freedom from custom for all *wine*, *silk*, *raisins*, *currants*, *oil*, *olives*, and *almonds*, that shall be raised in the province for seven years, after four tons of any of those commodities shall be imported in one bottom.

Thirdly. Every free man and free woman that transport themselves and servants by the 25th of *March* next, being 1667, shall have for himself, wife, children, and men-servants, for each, one hundred acres of land for him and his heirs forever, and for every woman-servant and slave fifty acres, paying at most $\frac{1}{2}d.$ *per acre per annum*, in lieu of all demands, to the lords proprietors: Provided always, that every man be armed with a good musket, full bore, ten pounds of powder, and twenty pounds of bullet, and six months' provision for all, to serve them whilst they raise provision in that country.

Fourthly. Every man-servant at the expiration of their time is to have of the country a hundred acres of land to him and his heirs forever, paying only $\frac{1}{2}d.$ *per acre per annum*, and the women fifty acres of land on the same conditions; their masters also are to allow them two suits of apparel, and tools such as he is best able to work with, according to the custom of the country.

Fifthly. They are to have a governor and council appointed from among

themselves, to see the laws of the Assembly put in due execution; but the governor is to rule but three years, and then learn to obey; also he hath no power to lay any tax, or make or abrogate any law, without the consent of the colony in their Assembly.

Sixthly. They are to choose annually from among themselves a certain number of men, according to their divisions, which constitute the General Assembly, with the governor and his council, and have the sole power of making laws, and laying taxes for the common good when need shall require. These are the chief and fundamental privileges, but the right honorable lords proprietors have promised (and it is their interest so to do) to be ready to grant what other privileges may be found advantageous for the good of the colony.

Is there therefore any younger brother who is born of gentle blood, and whose spirit is elevated above the common sort, and yet the hard usage of our country hath not allowed suitable fortune?—he will not surely be afraid to leave his native soil to advance his fortunes equal to his blood and spirit, and so he will avoid those unlawful ways too many of our young gentlemen take to maintain themselves according to their high education, having but small estates; here, with a few servants and a small stock, a great estate may be raised, although his birth have not entitled him to any of the land of his ancestors, yet his industry may supply him so as to make him the head of as famous a family.

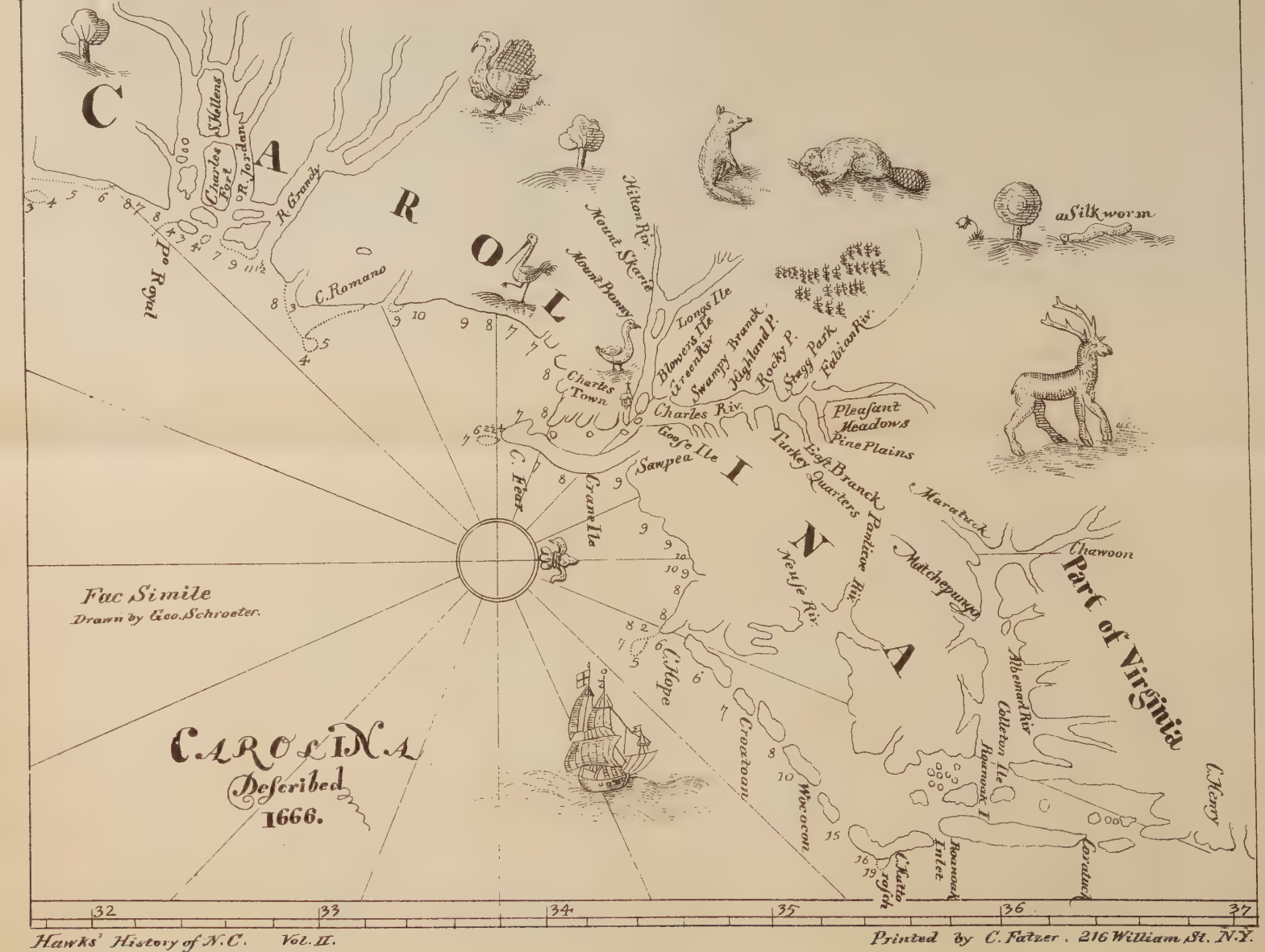
Such as are here tormented with much care how to get worth to gain a livelihood, or that with their labor can hardly get a comfortable subsistence, shall do well to go to this place, where any man whatever, that is but willing to take moderate pains, may be assured of a most comfortable subsistence, and be in a way to raise his fortunes far beyond what he could ever hope for in England. Let no man be troubled at the thoughts of being a servant for four or five years, for I can assure you that many men give money with their children to serve seven years, to take more pains and fare nothing so well as the servants in this plantation will do. Then it is to be considered that so soon as he is out of his time, he hath land and tools, and clothes given him, and is in a way of advancement. Therefore all artificers—as *carpenters*, *wheelwrights*, *joiners*, *coopers*, *bricklayers*, *smiths*—or diligent husbandmen, and laborers, that are willing to advance their fortunes, and live in a most pleasant, healthful, and fruitful country, where artificers are of high esteem, and used with all civility and courtesy imaginable, may take notice, that—

There is an opportunity offers now by the *Virginia* fleet, from whence *Cape Feare* is but three or four days' sail; and then a small stock carried to

Virginia will purchase provisions at a far easier rate than to carry them from hence: also the freight of the said provisions will be saved, and be more fresh, and there wanteth not conveyance from *Virginia* thither.

If any maid or single woman have a desire to go over, they will think themselves in the golden age, when men paid a dowry for their wives; for if they be but civil, and under fifty years of age, some honest man or other will purchase them for their wives.

Those that desire further advice, or servants that would be entertained, let them repair to Mr. *Matthew Wilkinson*, *Ironmonger*, at the sign of the *Three Feathers*, in *Bishopsgate-street*, where they may be informed when the ships will be ready, and what they must carry with them. Thus much was convenient to be written at present, but a more ample relation is intended to be published in due time.



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No. VII.

EXTRACTS FROM THE DISCOVERIES OF JOHN LEDERER.

In three several Marches from Virginia to the west of Carolina, and other parts of the Continent; begun in March, 1669, and ended in September, 1670. Collected and translated out of Latin from his discourse and writings, by Sir WILLIAM TALBOT, Baronet. Printed in London, in 1672.

[*Reprinted from a copy in the author's library.*]

[JOHN LEDERER was a learned German, who lived in Virginia during the administration of Sir William Berkeley. Little was then known of the mountainous part of that State, or of what was beyond. Berkeley commissioned Lederer to make explorations, and accordingly he went upon three several expeditions. The first was from the head of York River due west to the Appalachian Mountains; the second was from the falls of James River, west and southwest, and brought him into North Carolina, through several of the counties of which he travelled; the third was from the falls of the Rappahannock, westward, to the mountains.

Certain Englishmen were appointed by Berkeley to accompany him; these, however, forsook him and turned back. Lederer proceeded, notwithstanding, alone; and on his return to Virginia (which, by the way, was never expected), met with insult and reproaches, instead of the cordial welcome to which he was entitled. For this he was indebted to his English companions who had forsaken him; and so active were they in creating a prejudice against him, that he was not safe among the people of Virginia, who had been told that the public taxes of that year had all been expended in his wanderings.

Under these circumstances he went into Maryland, and there succeeded finally in obtaining a hearing from the governor, Sir William Talbot, and in submitting his papers to him. The governor, though at first much prejudiced against the man by the stories he had heard, yet found him, as he says, "a modest, ingenious person, and a pretty scholar;" and Lederer vindicated himself "with so convincing reason and circumstance," as Talbot says, that he quite removed all unfavorable impressions, and the governor himself took the trouble to translate from the Latin and publish Lederer's account of his journeyings.

A map of his explorations accompanies Talbot's translation, and by the aid of that we have endeavored to trace, as well as we could, the German's wanderings within the present boundaries of North Carolina.]

The twentieth of May, 1670, one Major Harris and myself, with twenty Christian horse and five Indians, marched from the falls of James River, in Virginia, towards the Monakins; and on the two-and-twentieth were welcomed by them with volleys of shot. Near this village we observed a pyramid of stones piled up together, which, their priests told us, was the number of an Indian colony drawn out by lot from a neighbor country over-peopled, and led hither by one Monack, from whom they take the name of Monakin. Here inquiring the way to the mountains, an ancient man described, with a staff, two paths on the ground, one pointing to the *Mahocks*, and the other to the *Nahyssans*.

[The Mahocks, from Lederer's map, would appear to have been living near the dividing line of Nelson and Albemarle counties, at the junction of the Rockfish with the James River. The locality of the Nahyssans appears, from Robert Morden's map of Carolina (1687), and also from Ogilby's, to have been west of the Mahocks, between them and the first range of the mountains.]

But my English companions, slighting the Indian's direction, shaped their course by the compass due west; and therefore it fell out with us, as it does with those land-crabs that, crawling backwards in a direct line, avoid not the trees that stand in their way, but climbing over their very tops come down again on the other side, and so, after a day's labor, gain not above two feet of ground. Thus we, obstinately pursuing a due west course, rode over steep and craggy cliffs which beat our horses quite off the hoof. In these mountains we wandered from the 25th of May till the 3d of June, finding very little sustenance for man or horse, for these places are destitute both of grain and herbage.

The third of June we came to the south branch of James River, which Major Harris, observing to run northwardly, vainly imagined to be an arm of the Lake of Canada, and was so transported with this fancy that he would have raised a pillar to the discovery, if the fear of the Mahock Indian and want of food had permitted him to stay. Here I moved to cross the river and march on; but the rest of the company were so weary of the enterprise, that, crying out, one and all, they would have offered violence to me, had I not been provided with a private commission from the Governor of Virginia to proceed, though the rest of the company should abandon me—the sight of which laid their fury.

The lesser hills, or *Akontshuck*, are here impassable, being both steep and craggy. The rocks seemed to me, at a distance, to resemble eggs set up on end.

James River is here as broad as it is about a hundred miles lower, at Monakin; the passage over it is very dangerous by reason of the rapid torrents made by rocks and shelves forcing the water into narrow channels. From an observation which we made of straws and rotten chunks[1] hanging in the boughs of trees on the bank, and two-and-twenty feet above water, we argued that the melted snow falling from the mountains swelled the river to that height, the flood carrying down that rubbish which, upon the abatement of the inundation, remained in the trees.

The air in these parts was so moist that all our biscuits became mouldy and unfit to be eaten, so that some nicer stomachs, who, at our setting out, laughed at my provision of Indian-meal parched, would gladly now have shared with me; but I being determined to go upon further discoveries, refused to part with any of that which was to be my most necessary sustenance.

The fifth of June, my company and I parted, good friends, they back again, and I, with one Susquehanna Indian, named Jackzetavon, only, in pursuit of my first enterprise, changing my course from west to southwest and by south to avoid the mountains. Major Harris, in parting, gave me a gun, believing me a lost man, and given up as a prey to Indians or savage beasts, which made him the bolder to report strange things in his own praise and my disparagement, presuming I would never appear to disprove him. This, I suppose, and no other, was the cause that he did with so much industry procure me discredit and odium; but I have lost nothing by it but what I never studied to gain, which is popular applause.

From the fifth, which was Sunday, until the ninth of June, I travelled through difficult ways, without seeing any town or Indian, and then I arrived at Sapon, a town of the Nahyssans, about a hundred miles distant from Mahock, situate upon a branch of *Shawan*, alias *Rorenock* River.

[By *Shawan*, Lederer means Chowan, which he here confounds with Roanoke. On Morden's map (1687), and on Ogilby's (1671), the Chowan is called *Rokahak*, while the Moratoc or Roanoke is called *Noratoke*. The Staunton and the Dan form the latter river, and it was probably on some of the tributaries of the first-named stream he struck, perhaps on the Staunton itself, just before its junction with the Dan. He had changed his course, as he tells us, to S. W. by S., to avoid the mountains, and the only streams to which this course would bring him are the Staunton and its northern tributaries.]

[1] This word is very generally used at the South, and means sometimes the end of small logs, partly burned, and then extinguished; and at others, as in this case, broken fragments of moderate size from decayed trees.

And though I had just cause to fear these Indians, because they had been in continual hostility with the Christians for ten years before, yet presuming that the truck which I carried with me would procure my welcome, I adventured to put myself into their power, having heard that they never offer any injury to a few persons, from whom they apprehend no danger; nevertheless they examined me strictly, whence I came, whither I went, and what my business was. But after I had bestowed some trifles of glass and metal amongst them, they were satisfied with reasonable answers, and I received with all imaginable demonstrations of kindness, as offering of sacrifice, a compliment showed only to such as they design particularly to honor; but they went further, and consulted their gods, whether they should not admit me into their nation and councils, and oblige me to stay among them by a marriage with the king's or some of their great men's daughters. But I, though with much ado, waived their courtesy, and got my passport, having given my word to return to them within six months.

Sapon is within the limits of the province of Carolina, and as you may perceive by the figure, has all the attributes requisite to a pleasant and advantageous seat; for, though it stands high and upon a dry land, it enjoys the benefit of a stately river and a rich soil, capable of producing many commodities, which may hereafter render the trade of it considerable.

[We must here remember that the dividing line between the present States of Virginia and Carolina was not then established as it is now recognized. From Lederer's map, it appears that all that part of Virginia lying south of James River, and extending as far westward as the Blue Ridge, was considered by him as part of Carolina, and is so designated on his map. Sapon, however, would appear from his map to have been in North Carolina, or just beyond the present boundary, in Virginia. Morden places it just south of the dividing line, in Carolina, on the upper waters of what we call the Roanoke. It was the chief town of the Nahyssans.]

Not far distant from hence, as I understood from the Nahyssan Indians, is their king's residence, called *Pintahæ*, upon the same river, and happy in the same advantages both for pleasure and profit, which my curiosity would have led me to see, were I not bound, both by oath and commission, to a direct pursuance of my intended purpose of discovering a passage to the further side of the mountains. This nation is governed by an absolute monarch; the people of a high stature, warlike, and rich. I saw great store of pearl unbored in their little temples or oratories, which they had won, amongst other spoils, from the Indians of Florida, and hold in as great esteem as we do.

From hence, by the Indians' instructions, I directed my course to *Akenatzy*, an island bearing south and by west, and about fifty miles distant, upon a branch of the same river, from Sapon.

[This island *Akenatzy* is possibly what is found on Lawson's map of 1709, under the name of *Aconeche*, in the Roanoke River.]

The country here, though high, is level, and for the most part a rich soil, as I judged by the growth of the trees; yet where it is inhabited by Indians it lies open in spacious plains, and is blessed with a very healthful air, as appears by the age and vigor of the people: and though I travelled in the month of June, the heat of the weather hindered me not from riding at all hours without any great annoyance from the sun. By easy journeys I landed at *Akenatzy* upon the twelfth of June. The current of the river is here so strong that my horse had much difficulty to resist it, and I expected every step to be carried away with the stream.

This island, though small, maintains many inhabitants, who are fixed here in great security, being naturally fortified with fastnesses of mountains, and water on every side. Upon the north shore they yearly reap great crops of corn, of which they always have a twelvemonth's provision aforehand, against an invasion from their powerful neighbors. Their government is under two kings, one presiding in arms, the other in hunting and husbandry. They hold all things, except their wives, in common; and their custom in eating is, that every man, in his turn, feasts all the rest, and he that makes the entertainment is seated betwixt the two kings, when, having highly commended his own cheer, they carve and distribute it among the guests.

At my arrival here I met four stranger Indians, whose bodies were painted in various colors with figures of animals whose likeness I had never seen; and by some discourse and signs which passed between us, I gathered that they were the only survivors of fifty who set out together in company from some great island, as I conjecture, to the northwest; for I understood that they crossed a great water, in which most of their party perished by tempest, the rest dying in the marshes and mountains by famine and hard weather, after a two-months' travel by land and water in quest of this island of *Akenatzy*.

The most reasonable conjecture that I can frame out of this relation is, that these Indians might come from the island of *New Albion* or *California*, from whence we may imagine some great arm of the Indian Ocean or bay stretches into the continent towards the *Apalatæan* Mountains in the nature of a midland sea, in which many of these Indians might have perished. To confirm my opinion in this point, I have heard several Indians testify that

the nation of *Rickohockans*, who dwell not far to the westward of the *Apalatæan* Mountains, are seated upon a land, as they term it, of great waves—by which, I suppose, they mean the sea-shore.

[However reasonable this conjecture may have appeared at the time to Lederer, with such geographical knowledge as was then possessed, we think, if we mistake not the locality in which the German then was, a much more reasonable supposition can be formed by us at this day. He was on an island in the Roanoke River, and, as we think, in that part of the river that flows between Halifax and Northampton counties. The four Indians had probably come from the northeast or east, and the great water they crossed was nothing more than the Sound, for their whole journey had occupied a space of time much too short for a travel from any great body of water to the west or northwest. If, however, they came from the northwest, it must have been from the borders of the great lakes, which, we think, was the land of the *Rickohockans*, whom he mentions in the next paragraph as *distinct* from these four Indians. He entertained, it will be observed, an opinion very common at that day, that the Gulf of Mexico extended northwardly into the continent much further than it does, and he had a very imperfect conception of the entire breadth of the continent.]

The next day after my arrival at *Akenatzy*, a *Rickohockan* ambassador, attended by five Indians whose faces were colored with *auripigmentum* (in which mineral these parts do much abound), was received, and that night invited to a ball, of their fashion; but in the height of their mirth and dancing, by a smoke contrived for that purpose, the room was suddenly darkened, and, for what cause I know not, the Rickohockan and his retinue barbarously murdered. This struck me with such an affrightment, that the very next day, without taking my leave of them, I slunk away with my Indian companion. Though the desire of informing myself further concerning some minerals, as *auripigmentum*, &c., which I there took especial notice of, would have persuaded me to stay longer among them, had not the bloody example of their treachery to the Rickohockans frightened me away.

The fourteenth of June, pursuing a south-southwest course, sometimes by a beaten path and sometimes over hills and rocks, I was forced to take up my quarters in the woods; for though the *Oenock* Indians, whom I then sought, were not, in a direct line, above thirty odd miles distant from *Akenatzy*, yet the ways were such, and obliged me to go so far about, that I reached not *Oenock* until the sixteenth.

[We are not without knowledge of the locality of the *Ohanoaks*. They

were in the present county of Bertie, on its eastern side (see vol. i., p. 113). It would, therefore, seem that Lederer travelled down from Northampton, on the eastern side of the Roanoke into Bertie, towards the Chowan.]

The country here, by the industry of these Indians, is very open, and clear of wood. Their town is built round a field, where, in their sports, they exercise with so much labor and violence and in so great numbers, that I have seen the ground wet with the sweat that dropped from their bodies. Their chief recreation is slinging of stones.

Fourteen miles west-southwest of the *Oenocks* dwell the *Shackory* Indians, upon a rich soil, and yet abounding in antimony, of which they showed me considerable quantities. Finding them agree with the *Oenocks* in customs and manners, I made no stay there, but passing through their town I travelled till the nineteenth of June, and then, after a two days' troublesome journey through thickets and marsh-grounds, I arrived at *Watary*, above forty miles distant, and bearing west-southwest to *Shakor*.

I departed from *Watary* the one-and-twentieth of June, and keeping a west course for near thirty miles I came to *Sara*. Here I found the ways more level and easy. I did likewise, to my no small admiration, find hard cakes of white salt among them; but whether they were made of sea-water or taken out of salt-pits I know not, but am apt to believe the latter, because the sea is so remote from them.

From *Sara* I kept a south-southwest course until the five-and-twentieth of June, and then I reached *Wisacky*. This three days' march was more troublesome to me than all my travels besides, for the direct way which I took from *Sara* to *Wisacky* is over a continued marsh overgrown with reeds, from whose roots spring knotty stumps, as hard and sharp as flint. I was forced to lead my horse most part of the way, and wonder that he was not either plunged in the bogs or lamed by those rugged knots.

This nation is subject to a neighbor king residing upon the bank of a great lake called *Ushery*, environed of all sides with mountains and *Wisacky* marsh.

The six-and-twentieth of June, having crossed a fresh river which runs into the lake of Ushery, I came to the town, which was more populous than any I had seen before in my march. The king dwells some three miles from it, and therefore I had no opportunity of seeing him the two nights which I stayed there. This prince, though his dominions are large and populous, is in continual fear of the *Oustack* Indians, seated on the opposite side of the lake, a people so addicted to arms that even their women come into the field and shoot arrows over their husbands' shoulders, who shield them with leathern targets.

The water of *Ushery* Lake seemed to my taste a little brackish, which I rather impute to some mineral waters which flow into it, than to any saltness it can take from the sea, which we may reasonably suppose is a great way from it. Many pleasant rivulets fall into it, and it is stored with great plenty of excellent fish. I judged it to be about ten leagues broad, for were not the other shore very high it could not be discerned from *Ushery*. How far this lake tends westwardly, or where it ends, I could neither learn nor guess.

[It is difficult to determine what lake it is that Lederer calls *Ushery:* it was, however, in the midst of extensive swampy lands, or, as he terms them, marsh. We have such lands in Bertie, Martin, Beaufort, Washington, Tyrrel, and Hyde counties, and particularly in the three last named, where such lands, reclaimed, form some of our richest plantations. Was he somewhere in this region of swamp lands? The only lakes, however, of much importance are Lake Phelps and Matamuskeet Lake. If he were on the eastern side of the Roanoke, he could not have reached these without crossing the river, and yet his itinerary mentions no such crossing. Neither are we aided by the name he gives to the Indians on the opposite side of the lake: we know of no tribe called *Oustack* Indians. The nearest approach to it is *Newsiok*, on the waters of Neuse, and not on any lake. If, when he left the island *Akenatzy* in the Roanoke, he crossed to the *western* bank of the river, he might have found swampy lands in Martin, Beaufort, and Washington counties, supposing him to have been wandering towards *Hyde;* but how then would he have passed through the region of the *Ohanoaks*, which was certainly in Bertie? Beside, Matamuskeet, if that be the lake referred to, was not called *Ushery* by the natives. Its Indian name was *Paquipe*. If we suppose Lake Phelps to be meant, how shall we reconcile such a conjecture with the size he gives? Lake Phelps, we think, is not thirty miles broad. We believe him to have been somewhere in the region of marshy lands we have named; but as to Lake *Ushery*, we freely confess we cannot fix its locality. Col. Byrd says that the Indians living *on the Santee River* were called the Usheries.]

Here I made a day's stay to inform myself further in these countries; and understood both from the *Usheries* and some *Sara* Indians that came to trade with them, that two days' journey and a half from hence to the southwest, a powerful nation of bearded men were seated, which I suppose to be the Spaniards, because the Indians never have any, it being a universal custom among them to prevent their growth by plucking the young hair out by the roots.

[Lederer made his journey in 1669–70, and may be correct in supposing the bearded men to be Spaniards; but at that date there was a settlement of Englishmen that would answer the description here given. The settlers on the Cape Fear from Barbadoes commenced their colony in 1664, and these may have been the bearded men referred to. He is in error, however, as to the distance of the bearded men from the Indians. It was more than a journey of two days and a half.]

Not thinking fit to proceed further, the eight-and-twentieth of June I faced about and looked homewards. To avoid *Wisacky* marsh I shaped my course northeast; and after three days' travel over hilly ways, where I met with no path or road, I fell into a barren, sandy desert, where I suffered miserably for want of water,—the heat of summer having drunk all the springs dry, and left no sign of any, but the gravelly channels in which they run: so that if now and then I had not found a standing pool, which provident nature set round with shady oaks, to defend it from the ardor of the sun, my Indian companion, horse, and self had certainly perished with thirst. In this distress we travelled till the twelfth of July, and then found the head of a river, which afterwards proved *Eruco;* in which we received, not only the comfort of a necessary and seasonable refreshment, but likewise the hopes of coming into a country again, where we might find game for food at least, if not discover some new nation or people. Nor did our hopes fail us; for after we had crossed the river twice, we were led by it, upon the fourteenth of July, to the town of *Katearas*, a place of great Indian trade and commerce, and chief seat of the haughty emperor of the *Taskiroras*, called *Kaskusara*, vulgarly called *Kaskous*. His grim majesty, upon my first appearance, demanded my gun and shot, which I willingly parted with, to ransom myself out of his clutches; for he was the most proud, imperious barbarian that I met with in all my marches. The people here at this time seemed prepared for some extraordinary solemnity; for the men and the women of better sort had decked themselves very fine with pieces of bright copper in their hair and ears and about their arms and necks, which upon festival occasions they use as an extraordinary bravery: by which it would seem this country is not without rich mines of copper. But I durst not stay to inform myself in it, being jealous of some sudden mischief towards me from *Kaskous*, his nature being bloody, and provoked upon any slight occasion.

Therefore, leaving *Katearas*, I travelled through the woods until the sixteenth, upon which I came to *Kawitziokan*, an Indian town upon a branch of *Rorenoke* River, which here I passed over, continuing my journey to

Menchærink; and on the seventeenth departing from thence, I lay all night in the woods, and the next morning betimes going by *Natoway*, I reached that evening *Apamatuck*, in Virginia, where I was not a little overjoyed to see Christian faces again.

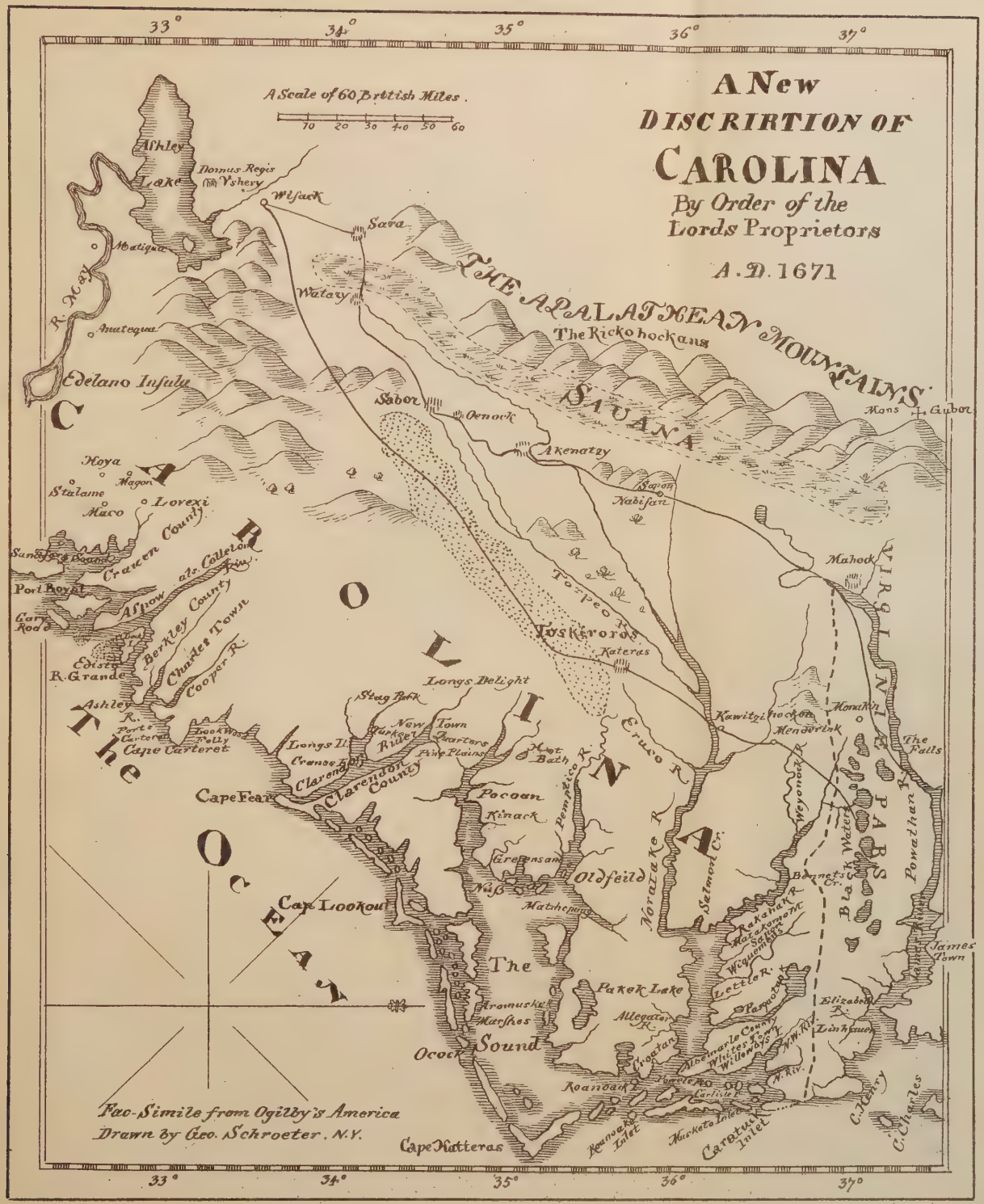
[From Lederer's account, the conjecture that seems most probable is, that taking a course southwest and by south from the falls of James River, he came upon the Roanoke in North Carolina, and crossed it at the island which he calls *Akenatzy*, if he crossed it at all. This island is between Halifax and Northampton, I apprehend. His wandering then took him into some of those counties where our swamp lands are most abundant, and he certainly was in Bertie, from which, pursuing a northeast course, he returned to Virginia, and crossing the Nottoway, proceeded to the Appomatox, which he followed to its junction with the James. The distances he gives, added together, after his entrance into North Carolina, would make his wanderings in our State some two hundred miles; and as he was among the *Ohanoaks* and *Tuscaroras*, he was certainly in Bertie. He, however, was not the first European who had seen that land. Eighty-five years before, the hardy adventurers under Lane had placed their feet upon it, though their inland explorations were much less extensive than those of Lederer. It is proper, however, to add, that from the localities he names, as they appear on Ogilby's map (1671), which we subjoin to this account, his wanderings would appear to have been much more extensive than we have made them. *Watery*, *Sara*, *Wisacki*, and *Ushery* would all appear to have been in South Carolina, the last directly west of Charleston. If he made this journey, then entering the State somewhere in Warren county, he must have crossed it in a southwestern line, and passing through Robeson county into South Carolina, must have traversed that State also in its entire width. We cannot believe this. The time occupied would not have been sufficient for it. Lederer's itinerary presents difficulties which we confess we cannot satisfactorily solve.

On the map of Lederer, as well as on that of Ogilby, both of which we subjoin, the reader will perceive a river named *Torpaco*. This is erroneously made to empty into the Roanoke. A comparison of its position with other localities shows it to have been what is commonly, though improperly, called the *Tar* River. Its name is not Tar, though Col. Byrd called it by that name more than one hundred years ago. Others have supposed its original Indian name to be *Taw* or *Tau*, which Williamson, with his customary dogmatism, ignorantly states meant "Health." It never had such a meaning in any dialect of the Algonquin or Iroquois that we have met

A MAP OF THE WHOLE TERRITORY TRAVERSED BY IOHN LEDERER IN HIS THREE MARCHES.

Hawks' History of N.C. Vol. II.

Printed by C. Fatzer, 216 William St. N.Y.



Printed by C. Fatzer. 216 William St. N.Y.

with—and these were the two mother languages of the Indians of the eastern side of North Carolina—nor was there any such Indian word, as far as we can discover; though such a *syllable*, formed from an Indian word, is found in the composition of Indian words, according to the known polythinseticism of our Indian tongues. But the river was, notwithstanding, called *Taw*, for we find (as I am informed by a friend[1]) that name applied in a patent of 1729. Wheeler, Simms, Emmons, and Cook, all modern authorities, repudiating "Tar," call it "*Taw*." Mr. Clark thinks that, from analogy, it should be written Taw, and cites the names H*aw*, Cat*aw*ba, Chickas*aw*, Choc*taw*, where the syllable terminates with *w*. But the fact is, that in the orthography of Indian names and words, it is important to know to what country the individual belonged who first wrote them down for the eye of civilized man; otherwise the pronunciation may be mistaken. For ourselves, while we are quite sure the river's true name never was Tar, we doubt whether Taw is the original word. Words of one syllable are exceedingly rare in the Indian languages, and especially in the names of *places*. They are almost invariably compounds. Its Indian name was *Torpæo*, and we think it should be so called now. Taw is but a corruption of the first syllable *Tor*. We have tried in vain to discover the meaning of the compound Tor-pæo.]

[1] H. T. Clark, Esq., of Edgecombe.

No. VIII.

Extract from the Minute-Book of the Lords Proprietors.

[*From a copy in the office of the Secretary of State.*]

April 28th, 1709.

Craven House ..... Present, His Grace the Duke of Beaufort, for himself and palatine; the Honorable Maurice Ashley, Esq.; Sir John Colleton, Bart.; John Danson, Esq. Mr. Michell's Proposals in the name of some of the Swiss Cantons of Berne were read, and it was then agreed that ten thousand acres of land, on or betwixt Neuse or Cape Feare, or their branches, in North Carolina, should be set out for the proposers and their heirs, they paying to the Lords Proprietors ten pounds purchase money for every thousand acres, and five shillings yearly, as a quit-rent for each thousand acres, to the Lords Proprietors and their heirs forever.

Agreed further, that one hundred thousand acres be reserved to the proposers for twelve years, during which term no other person shall purchase any of the same; which said one hundred thousand acres are to be set out by the Surveyor-General, and may be purchased by any of the proposers, at the rate above mentioned, during the term of seven years, but after that time is expired they are to pay according to the custom of that part of the province; and lastly, that one of their number be made a Landgrave, he paying for five thousand acres the usual purchase money for each thousand acres, the customary quit-rent for every hundred acres, to the Lords Proprietors for the same.

Mr. Lawson,—I have sent you a copy of the Minutes, which are truly transcribed from the Lords Proprietors' Minute-Book. I wish you a good voyage, and all health and happiness, and am

Your friend and servant,

February 13th, 1709. R. Shelton.

No. IX.

Contract of De Graffenreid for transporting German Palatines.

[*From the copy in the office of the Secretary of State.*]

The Articles of Agreement between the Commissioners and trustees, under the Queen's bounty, for the subsistence and settlement of the German Palatines; and Christopher De Graffenreid and Lewis Michell, for the transportation and settlement of six hundred and fifty of the poor Palatines to North Carolina, Anno 1709.

Articles of agreement, indented, had, made, concluded, and agreed upon, this tenth day of October, Anno Dom. one thousand seven hundred and nine, and in the eighth year of the reign of our Sovereign Lady Anne, by the grace of God Queen of Great Britain, France, and Ireland, Defender of the Faith, etc., between Christopher De Graffenreid (of London), Esq., and Lewis Michell (of the same), Esq., of the one part, and Sir John Phillips, Bart., Sir Alexander Cairnor, Bart., Sir Theodore Taulson, Knight, White Kennet, D. D. and Dean of Peterborough, John Chamberlayne, Esq., Frederick Hare, doctor of physic, and Mr. Micajah Perry, merchant, seven of the commissioners and trustees nominated and appointed by her majesty's late gracious letters patent under the great seal of Great Britain, for the collecting, receiving, and disposing of the money to be collected for the subsistence and settlement of the poor palatines lately arrived in Great Britain, on the other part.

Whereas the above-named Christopher De Graffenreid and Lewis Michell have purchased to themselves and their heirs in fee, and are entitled unto a large tract of land in that part of her majesty's dominion in America called North Carolina, which now lies waste and uncultivated for want of inhabitants, and they, the said Christopher De Graffenreid and Lewis Michell, have applied themselves to the commissioners appointed by the letters patent above mentioned for the subsistence and settlement of the said poor, distressed palatines, that some number of the said poor palatines may be disposed of and settled in the said tract of land in North Carolina aforesaid, as well for the benefit of the said Christopher De Graffenreid and Lewis Michell as for the relief and support of the said poor palatines; and whereas the said commissioners have thought fit to dispose of, for this purpose, six hundred persons of the said palatines, which may be ninety-two families, more or less, and have laid out and disposed of to each of the said six hundred poor palatines the sum of twenty shillings in clothes, and have likewise paid, and secured to be paid, to the said Christopher De Graffenreid and Lewis Michell the sum of five pounds ten shillings of lawful money of Great Britain for each of the said six hundred persons, in consideration of and for their transportation to North Carolina aforesaid, and for their comfortable support there; it is covenanted, concluded, and agreed by and between the said parties to these presents in manner following:

Imprimis, that the said Christopher De Graffenreid and Lewis Michell, for the consideration aforesaid, at their own proper costs and charges, shall, within two days next after the date hereof, embark, or cause to be embarked, on shipboard in two several ships, six hundred of such of the said poor palatines as shall be directed by the said commissioners, and together may

make up ninety-two families, more or less, and cause the same persons to be directly transported to North Carolina aforesaid—providing them with food and other necessaries during their voyage thither.

Item, that upon the arrival of the said six hundred poor palatines in North Carolina aforesaid, the said Christopher De Graffenreid and Lewis Michell shall, within three months next after their said arrival there, survey and set out, or cause to be surveyed and set out, by metes and bounds, so much of the said tract of land above mentioned as shall amount to two hundred and fifty acres for each family of the said six hundred poor palatines, be they ninety-two families, more or less; and that the said several two hundred and fifty acres for each family be as contiguous as may be for the more mutual love and assistance of the said poor palatines one to another, as well with respect to the exercise of religion as to the management of their temporal affairs; and for the avoiding disputes and contentions among the said palatines in the division of the said two hundred and fifty acres of land, It is agreed that the said land, when so set out by two hundred and fifty acres to a family, be divided to each family by lot.

Item, that the said Christopher De Graffenreid and Lewis Michell, their heirs and executors or administrators, within three months next after the arrival of the said poor palatines in North Carolina aforesaid, shall give and dispose of unto the said poor palatines, unto each family, by lot, two hundred and fifty acres of the tract of the land above mentioned; and by good assurances in law, grant and convey the same several two hundred and fifty acres to the first and chief person or persons of each family, their heirs and assigns, forever, to be held the first five years thereafter without any acknowledgment for the same, and rendering and paying unto the said Christopher De Graffenreid and Lewis Michell, their heirs, executors, and administrators, for every acre the sum of two pence of lawful money of that country yearly and every year after the said term of five years.

Item, that for and during one whole year after the arrival of the said poor palatines in North Carolina aforesaid, the said Christopher De Graffenreid and Lewis Michell shall provide, or cause to be provided for and delivered to the said poor palatines, sufficient quantities of grain and other provisions and necessaries for their comfortable support and relief; but it is agreed that they, the said poor palatines respectively, shall pay and satisfy the said Christopher De Graffenreid and Lewis Michell, their executors, administrators, and assigns, in value what they shall respectively receive, on this account, at the end of three years then next after.

Item, that the said Christopher De Graffenreid and Lewis Michell, at their own proper costs and charges, within four months after their arrival there,

shall provide for, give, and deliver, or cause to be provided for, given, and delivered, to each family, for their proper use and improvement, two cows and two calves, two sows with their several last litter or number of pigs, two ewe sheep and two lambs, with a male of each of the said kind of cattle, to propagate and increase; but it is agreed, that at the expiration of seven years after the delivery thereof as aforesaid, and not before, said several families shall return unto the said Christopher De Graffenreid and Lewis Michell, their executors or administrators, the value of the said cattle so delivered, with the moiety of the increase thereof remaining in their hands from the original stock, to be given to him as aforesaid, at the expiration of the said seven years.

Item, that immediately after the division of the said parts of two hundred and fifty acres of land to each family of palatines as aforesaid, the said Christopher De Graffenreid and Lewis Michell shall give and dispose of, gratis, to each family of the said palatines, a sufficient number of plantation tools and utensils for felling of wood and clearing of ground, and for building of houses for their own proper use and behoof.

And *lastly*, it is concluded, covenanted, and agreed, by and between all the parties to these presents, that these articles and agreements shall be accepted and construed in the most favorable sense for the ease, comfort, and advantage of the said poor palatines; that the divisions and conveyances of their land as aforesaid shall be registered among the public records of the province or country of North Carolina; that the said poor palatines, doing and performing what is intended by these presents to be done on their parts, shall have and enjoy the benefits and advantages intended hereby without any further or other demand of and from the said Christopher De Graffenreid and Lewis Michell, their heirs, executors, or administrators, or any of them; and that in cases of difficulty relating to the premises, it shall be referred to the Governor of the said country or province of North Carolina for the time being, whose order and direction, not contrary to the intention of these presents, shall be binding and conclusive, as well to the said Christopher De Graffenreid and Lewis Michell, their heirs, executors, and administrators, as to the said poor palatines. In witness whereof, the said parties to these presents have interchangeably set their hands and seals the day and year above written.

Sealed and delivered by the within-named John Phillips, Alexander Cairnor, White Kennet, John Chamberlayne, Frederick Hare, and Micajah Perry (having two sixpenny stamps), in the presence of us,

WM. TAYLOR,
JAMES DUNDEE.

We, the within named Christopher De Graffenreid and Lewis Michell, for ourselves, our heirs, executors, and administrators, do hereby covenant and agree, to and with the commissioners and trustees within written, for and upon the like consideration within mentioned, to take and receive fifty other persons in families of the poor palatines, to be disposed of in like manner as the six hundred poor palatines within specified, and to have and receive the like grants and privileges, benefits and advantages as the said six hundred palatines have, may or ought to have, in every article and clause within written, as if the said fifty palatines had been comprised therein, or the said articles, clauses, and agreements had been here again plainly repeated and recited as to them.

Witness our hands and seals, the 21st day of October, Anno Dom. 1709.

CHRISTOPHER DE GRAFFENREID,
LEWIS MICHELL.

Sealed and delivered this agreement in the presence of WM. TAYLOR,
JAMES DUNDEE.

1710.

No. X.

DOCUMENTS CONCERNING THE BOUNDARY LINE BETWEEN NORTH CAROLINA AND VIRGINIA.

[*From copies of* SPOTSWOOD'S *Letters in the possession of the author.*]

Gov. Spotswood to Gov. Hyde.

SIR:— WILLIAMSBORO', VIRGINIA, *December* 15, 1710.

The commissioners appointed on her majesty's behalf for settling the boundaries between this colony and Carolina, have reported to me that notwithstanding the public engagements of the late president and council of Carolina, that no lands should be taken up within the controverted bounds till they were finally settled and adjusted; nevertheless great tracts of land have been surveyed and taken up in those parts by the inhabitants of Carolina, and laid out by the surveyors of that Province, and that the present surveyor-general of Carolina and his deputies still continue the same encroachment on her majesty's property, although neither of them can be ignorant how far it is claimed on her majesty's behalf, after having been privy to the proofs and examinations taken by the commissioners for set-

tling the boundaries: Wherefore, that I may remove the unreasonable pretences of such people who may fancy themselves to have acquired a right to those lands by their unwarrantable encroachments, I think it necessary to acquaint you that I do in her majesty's name assert her right to all the lands lying to the northward of the mouth of Weyanoake Creek, now called Wayescon, and to the northward of the line which, according to the charter of the proprietors of Carolina, ought to be run in a due west course from thence to the south seas. And I do further protest against the signing of patents for any land lying to the northward of that line and boundary. And forasmuch as I have lately issued a proclamation continuing the former prohibition of making entries within the disputed bounds by the surveyors or inhabitants of this colony, it will not, I hope, be thought unreasonable that I expect the like prohibition to be made on the part of the government of Carolina, until the determination of the present disputes concerning the bounds, which I shall on my part endeavor to hasten as much as possible.

[Directed to the Honorable Edward Hyde, Esq., Governor of North Carolina in Council.]

Gov. Spotswood to Gov. Hyde.

[EXTRACT.]

December 24th.

I am sorry to hear that our tributary Indians disturb or injure any of her majesty's subjects, and I shall take care to prevent, as much as I can, any ground of complaint as to the Meherrins; but if those injuries are done to persons within the controverted bounds, I think they have as little reason to complain as they have right to be there. I am sure none of them have had any liberty from this government to take up land in those parts; and I hope the government of Carolina have had the same regard to their own public engagements not to suffer any encroachments to be made by the inhabitants of that province, which we have had the more reason to expect from them, out of respect to her majesty, in whose behalf that land has all along been claimed.

Gov. Spotswood to Gov. Hyde.

[EXTRACT.]

SIR:—Since my letter of the 3d instant, I received by Captain Jones yours of the 29th of January, which I had an opportunity the next day after the receipt to communicate to the council, and cannot forbear letting you

know with how much satisfaction they received the assurance of your readiness to stop further entries within the controverted bounds, and to find in the government of North Carolina a gentleman whose word can be depended on, after the public engagements of those formerly in the administration that have proved of no effect, and have been so little regarded that the surveyor-general, who was then one of the council, and obliged himself, under his hand, to suffer no further encroachments on the lands in dispute, has been the principal occasion of those that have been committed since.

It has been the chief care of those in the administration of affairs here, after they understood the pretensions of the lords proprietors, to hinder the seating of any of the inhabitants of this colony on the land in controversy, to which purpose orders have been issued from time to time to restrain them; and to discourage them the more, it was thought necessary to give further notice that none, who did unwarrantably seat themselves upon that land, should be admitted to claim any right if it should be determined to belong to her majesty; and for that reason I cannot agree to what you are pleased to intimate in your letter, of reserving to the present possessors and claimers the rights they suppose themselves to have by virtue of entries or surveys, because no such entries or surveys ought to have been made before the bounds had been ascertained, there being no reason why that land should be taken to belong to the proprietors until the disputes are determined, since the presumption of right till then is much stronger for the queen, and there is as little reason that the inhabitants of Carolina should be on a better foot than those of Virginia. I shall be very glad to have this matter brought to an issue as soon as may be by the intervention of the commissioners that are appointed for that purpose; but if you will consider how long it has been in agitation, I am persuaded you will not think there has been any precipitation used in negotiating that, in the space of ten months, for it is no less since it was first set on foot, which might have been done in less than one; and, if your commissioners be left to their own inclinations, I am apt to believe, according to what they have acted hitherto, they will find excuses to delay it as many years as they have already done months. For my part, as I must plainly declare that to proceed with such dilatoriness is not paying a just deference to her majesty's commands, so, on the other hand, it cannot be for the interest either of the queen or the proprietors, since whosoever has the right must in the mean time lose the benefit of the quit-rents; and that loss, together with the distractions among the people, through the uncertainty of their titles, will be but slenderly compensated by the private gain of your commissioners in the immediate survey, though that seems to have been their chief aim in all their affected

delays they have used in this affair. You have yourself been witness how much I have pressed them to proceed, and how little effect I have had of their promises. I have now lately had letters from England pressing a speedy conclusion of this matter, wherefore I am fully resolved that if I don't speedily hear that your commissioners intend to proceed in good earnest, I shall order our commissioners to go on without them, and to prepare the best state of the case they can, in order to be laid before her majesty.

Gov. Spotswood to the Council of Trade.

[EXTRACT.]

TO THE COUNCIL OF TRADE :— VIRGINIA, *March 6th*, 1710.

Notwithstanding all the instances I have made to the government of Carolina for obtaining a speedy determination of the boundaries, I have not been able to bring their commissioners to any resolution, and it plainly appears to me that their chief design is only to delay it. I send your lordships the copies of the letters that have passed between the governor of that country and me on this occasion, and I must do him the justice to believe he is, for his own part, very well inclined to bring this affair to a speedy conclusion; but he is upon so precarious a footing there, and his authority so little, that he is forced to submit his own judgment to others whose interests are like to suffer by an equitable determination of this controversy.

1723.

No. XI.

OFFICIAL LIST OF FREEHOLDERS IN 1723.

[The list which follows contains the names of all the freeholders living in all the precincts in the year 1723. It is copied from the manuscript copy of the laws of that year, furnished by Mr. Rodman, to which allusion is made in the preface. It is official, and therefore authentic. Many of the family names here recorded are still to be found in the State; and it was thought it might be of interest, to their descendants especially, to know the spot in which some of our oldest families were first planted, and to trace, in some degree, the direction of their migration, thus ascertaining, to a certain extent, the path as well as the pioneers in the work of settlement. Therefore, to the names, in some instances, the writer, according to the extent of

his personal knowledge, or on information, has appended the names of existing counties in which branches of the families that bore them have lived, or are still living.]

LIST OF JURYMEN (FREEHOLDERS) IN CHOWAN PRECINCT. 1723.

William Benbury.
William Bonner (*Beaufort*).
William Charlton, jr.
John Charlton.
Orlando Champion.
Patrick Egerton.
John Faulconer.
William Houghton.
Thomas Houghton.
John Harlow.
William Howcott.
Henry Jones.
Charles Jones.
Thomas Luten, jr. (*Lenoir*).
Thomas Jones.
John Jones, jr. (*Craven*).
Joseph Ming.
Thomas Matthews.
William Sadler.
Edward Standing.
William Steward.
Timothy Truelove.
William Thomson.
Jeremiah Vail (*Craven*).
James Ward (*Onslow*).
Francis Branch (*Halifax*).
William Cockrill.
Alexander Cammeril.
William Coward (*Beaufort*).
James Farlow.
William Haulsey.
Constant Luten (*Lenoir*).
John Lewis.
Edmund Patchet.
Samuel Patchet.
John Robinson.
Caleb Stevens.
Luke White.
Richard Wilson.
Samuel Woodward.
William Yates.
John Champion.
William Copeland.
John Welch.
Walter Daughan.
John Evans (*Pitt*).
James Field.
William Freeman.
Moses Foxworth.
Moses Hill.
John Goodwin.
Thomas Garret, jr.
John Jordan, sen. (*Tyrrel*).
Charles Jordan.
John Jordan, jr.
Ralph Outlaw (*Bertie*).
Thomas Rountree.
John Rice (*New Hanover*).
Francis Rountree.
George Turnedge.
Edward Weston.
Michael Ward (*Carteret*).
John Ward, sen.
Media White.
John White, jr. (*Craven*).
George White, sen.
Aaron Blanchard.
Moses Baker.
Robert Blanchard.
Richard Chappel.
Charles Chappel.
James Hinton (*Wake*).
John Hinton.
Patrick Lawlee, jr.
Benjamin Spivey.
Abraham Spivey.
Jacob Spivey.
William Weston.
William Trevalhan.
William Bently.
John Collins.
George Giviliams.
Jonas Ritterill.
Jacob Odam.
John Pipkin.
John Wallis.
Samuel Spruill (*Halifax*).
Godfry Spruill.
James Long (*Halifax*).
Thomas Hawkins (*Warren*).
James Hawkins.
James Smith.
John Swain.
John Brown.
Jos. Turner, Esq. (*Washington*).
Thomas Long.
Henry Norman.
John Davenport.
Matthew Carswell.
William Swinson.
William Downing.
James Jones (*Pasquotank*).
Corn. Harnett (*New Hanover*).
Richard Caneday.
John Walker.
Thomas Stubs.
Nathan Everett (*Wayne*).
Daniel Garret.
John Adderly.
William Garret.
William Rhodes.
Matthew Adams.
Cornelius Calehan.
John Edwards.
Jasper Hardeson.
Henry Middleton.
Benjamin Blount (*Beaufort*).
William Steeley.
Jacob Blount (*Pitt*).
Benjamin Alexander (*Craven*).
Josiah Alexander.
Joseph Alexander.
John Jennet, sen.
John Jennet, jr.
Cuthbert Phelps (*Craven*).
John Swain.
Richard Bortenskill.
Robert Fewox.
John Vallway.
William Frayley.
Lewis Johnson.
Thomas Winn.
Jonathan Bateman.
Richard Burtenshell.
William Ludford, Esq.

Thomas Bartlett (*Craven*).
William Beafield.
William Ludford, jr.
Matthew Midgett (*Carteret*).
William Wilson.
Anthony Alexander (*Craven*).
Edward Linenton.

List of Jurymen (Freeholders) in Perquimans Precinct. 1723.

John Norcomb (*Chowan*).
Jeremiah Pratt.
James Chesten.
John Wright.
Samuel Wright.
John Stepney, jr.
Daniel Hall (*Carteret*).
Capt. John Petiver.
William Betterton.
Abraham Warren.
James Smith.
Robert Moore.
Ralph Boozman.
William Bastable.
Thomas Easton.
Thomas Speight (*Greene*).
Thomas Lilly.
James Ming.
Thomas Norcomb.
John Burkett, sen.
Richard Sutton.
William Long.
Jos. Callaway.
Richard Leary.
Thomas Blichinton.
James Thickpen (*Edgecombe*).
Thomas Elliott.
Paul Palmer.
James Anderson.
Richard Skinner, jr. (*Chowan*).
James Morgan.
Samuel Parsons.
Thomas Snowden.
William Stephenson (*Craven*).
Abram Jennet.
Anthony Hatch (*Craven*).
George Durant.
Thomas Bartlet.
Joseph Jessop.
Luke Holloway.
John Hudson.
James Parissow.
William Bartlet.
Thomas Holloway.
Robert Hosey.
George Jordan.
Joseph Sutton, sen.
Thomas Penrice.
Thomas Strumball.
Samuel Swann.
Dennis Collins.
Samuel Phelps.
Jonas Evans.
Charles Denman.

List of Jurymen (Freeholders) in Pasquotank Precinct. 1723.

Robert Lowry, sen., Esq.
Robert Lowry, jr., Esq.
David Baily, Esq.
Daniel Jackson.
Solomon Pool.
Richard Pool.
William Simpson.
William Turner (*Washington*).
John Davis.
Henry Prayper.
Stephen Hall (*Beaufort*).
George Low.
Samuel Jackson.
Daniel Jackson, jr.
Nathan Hall.
Thomas Commander.
John Forree.
Joseph Oliver (*Craven*).
Richard Fagan.
Richard Gray.
John Arnar.
Robert Keel.
Levi Markim.
Robert Arnar.
Valentine Wallis (*Carteret*).
William Smith.
William Lewis.
John Brothers.
Roland Buckley.
Henry Nichols.
William Cartwright.
Thomas Smithson.
Josiah Redding.
Daniel Rhodes.
Edward Wharton.
William Ralph, jr.
Joseph Cartwright.
James Caroon.
George Caroon.
Jeremiah Merden.
Charles West (*Craven*)
John Clark (*Craven*).
Evan Jones (*Craven*).
James Greves.
Robert Wallis.
William Norris.
Henry Buckbert.
John Harris (*Craven*).
Thomas Harris.
Arthur Mapsum.
John Davis, sen.
Thomas Davis (*Craven*).
John Pendleton (*Craven*).
John Davis, jr.
James Bell (*Carteret*).
Edward Scott (*Craven*).
Daniel Billet.
William Calley.
Joseph Stockway.
Lewis Alexander Knight (*Beaufort*).
Thomas Palen.
Robert Palmer.
William Brothers.
Thomas Woodley.
William Stephens.
Baily Forbus.
Thomas Forbus.
Robert Tucker.
Thomas Gregory, sen.
Thomas Gregory, jr.
Richard Gregory.
Joseph Cooper.
John Relph.
John Norton.
John Baily.
George Griffin (*Craven*).
William Seaborn

Griffith Jones.
Henry Creek.
Darby Sillivant.
Samuel Barnard.
Thomas Raymond.
George Kemp.
Robert Forksee.
William Right.
Josiah Guilford.
John Forksee.
Joseph Harrison (*Jones*).
Robert Harrison.
Walter Cornew.
George Bell (*Carteret*).
Dennis Croney.
Henry Hammon.
Edward Farecloth.
John Cartwright.
Austin Scarbrough.
Henry Brag (*Craven*).
Thomas Miller (*Lenoir*).
Rory Scarbrough.
William Burgis (*Halifax*).
John Bell.
John Perkins.
John Beech.
William Fauck.
John Sanderlin.
Richard Farrill.
William Linton.
John Warren.
Henry Bright (*Greene*).
Charles Bright.
Philip Evans (*Pitt*).
John Bright.
Edward Bright.
Richard Bright.
William Upton.
Edward Overton.
Francis Overton.
John Bruckitt.
Joseph Moneck.
Gruman Macbride.
James Spence, jr.
Joseph Markham.
Brian Garret.
Cornelius Forehand.
Robert Joy.
Gabriel Burnham.
William Philips (*Orange*).
John Jones.
Francis Martin.
Freeman Jones.
James Camnull.
Nathan Williams.
John Burnham.
John Right.
Edward Right.
John Macdaniel (*Jones*).
Samuel Pritchard, sen.
Samuel Pritchard, jr.
William Rhodes.
Isaac Jones.
John Jones.
James Spence, sen.
Alexander Spence, sen.
Richard Hastings.
John Spence.
Jeremiah Sawyer.
Caleb Sawyer.
John Relph, jr.
Robert Sawyer, sen.
Jacob Sawyer.
Henry Macdaniel (*Jones*).
William Jennins (*Craven*).
Thomas Sawyer.
John Jennings.
James Macdaniel.
William Macdaniel.
Peter Sawyer.
Jeremiah Saxton.
Solomon Sawyer.
Henry Sawyer.
Charles Sawyer.
William Sawyer.
William Forksee, jr.
Bennet Morgan.
Alexander Spence.
Abel Ross.
John Jones, cordwinder [cordwainer].
John Jones, cooper.
John Jones, weaver.
Solomon Davis.
Robert Sawyer, jr.
Daniel Cowin.
Edward Williams.
Robert Morgan.
Joseph Upton.
William Williams.
Jonas Jones (*Jones*).
Charles Bolt.
Edward Upton.
John Upton.

List of Jurymen (Freeholders) in Curratuck Precinct. 1723.

Richard Etheridge.
Thomas Lurley.
Josp. Sanderson.
Thomas Jarvis.
Thomas Parker.
Foster Jarvis.
Joseph Parker.
Richard Church.
Peter Poyner.
Thomas Poyner.
Henry Cadon.
Thomas Taylor, sen.
Thomas Taylor, jr.
William Bell.
John Bell.
John Crabb.
Luke White.
John Walker.
Evan Miller (*Duplin*).
Robert Patern.
William Parker.
Samuel Parker.
James Poyner.
Thomas Poyner.
William Davis.
Richard Doger.
Richard Bright, jr.
Daniel Savill.
Peter Dowger.
Wallis Bray.
Edward Faylor.
Samuel Simons (*Jones*).
John Legett.
David Legett.
Denis Riordin.
John Perkins.
Joseph Bowren.
Richard Franshaw.
Robert Heath.
John Brent.
Thomas Brent.
Thomas Davis.

Charles Brent.
Thomas Moncreef.
Andrew Etheredge.
William Lufmon.
Edward Cox (*Craven*).
William Bright.
James Bright.
Benjamin Bennet (*Chowan*).
John Munke.
Moses Linton.
John Linton.
Henry Bright.
Daniel Gettree.
Henry Gibbs (*Hyde*).
David Jones.
Ralph Matham.
William Pattason.
Thomas Spencer.
John Burton (*Granville*).
John Man (*Martin*).
George Powers.
John Penny.

LIST OF JURYMEN (FREEHOLDERS) IN BERTIE PRECINCT. 1723.

John Bently.
William Bentley.
Edmund Smithwick.
John Smithwick.
William Caneday.
George Brumley.
Jonathan Taylor.
Peter Standel.
Martin Cromen.
Charles Pate.
William Pate.
James Feltham.
Laurence Sarson.
James Castilow.
Christopher Vanlubin.
John Brown.
Martin Razors.
James Currey.
Roger Snell.
John Gardiner.
Robert Bell.
Francis Hopoon.
William Hardy.
Jonathan Jacocks (*Bertie*).
Josiah Hudson.
George Smith.
John Cook (*Craven*).
John Horren.
Josiah Skittlethorp.
Robert Anderson.
Jonathan Rider (*Craven*).
William Meazel.
Philip Ward.
Robert Warburton.
John Hobson.
John Stephens.
Arthur Duggle.
Peter Gray.
James Legett.
David Hicks (*Duplin*).
Theodore Williams.
John Edward, jr.
Owin Daniel.
William Griffin.
Martin Garner.
Edward Moor (*Craven*).
Richard Fryer.
Jonathan Standley.
James Roberts.
Charles Barber.
Samuel Herren (*Wayne*)
William Redey.
Michael King.
John Hill.
John Bryan (*Craven*).
Edward Bryan.
William Sharp.
John Beaverly.
William Moor.
Joseph Johnson
Thomas Boon, jr. (*Johnson*).
Hopkin Rowill.
William Arrenton (*Nash*).
Elias Fourd.
William Ridger, jr.
Tredle Keeth.
Aaron Drake.
William Boon.
William Bowill.
Martin Letter.
John Bryan.
Thomas Grayne.
Samuel Garlin.
John Bardin, jr.
William Ricks.
William Vinson (*Craven*).
John Williams.
Josiah Dardin.
Thomas Brett.
Nichol Sheshions.
Charles Stoplins.
Francis Parker.
Richard Melton.
George Williams.
John Blackman.
Henry Whealer.
James Sims.
Josiah Lamb, sen. (*Pasq'tank*).
John Cotton.
Robert Sims.
Manuel Rogers.
Thomas Whitmell.
Thomas Arrington.
John Green (*Craven*).
John Bobitt.
Henry Sims.
Jonathan Clift.
Peter Vellst.
Leonard Langston.
Moore Carter.
Stephen Howard (*Onslow*).
James Peak.
George Powell.
John Rasbury.
Richard Killkinton.
Jacob Pope.
Robert Long.
William Green (*Craven*).
Benjamin Wood.
William Moor, sen.
William Moor, jr.
James Williams.
William Bennet.
James Blount.
William Gray.
William Jones.
Robert Brasswell.
William Whitefield (*Lenoir*).
James Wood.
Benjamin Foreman.
James Howard.
Nathan Swanner.
John Barfield.

Christian Swanner.
Peter Parker.
Robert Evans.
Thomas Fubril.
Samuel Williams.
John Chester.
John Williams.
John Dickson (*Duplin*).
Richard Pace.
Paul Brown.
Edward Outlaw (*Bertie*).
Henry Barfield.
Thomas Barfield.
William Whitehead (*Carteret*).
William Bryant (*Johnson*).
John Pope.

List of Jurymen (Freeholders) in Beaufort and Hyde Precinct. 1723.

George Moy.
Thomas Dudley.
Thomas Mount.
Henry Smith.
Samuel Cooper.
Richard Nickson.
Christopher Dudley (*Onslow*).
John Snead (*Craven*).
William Martin.
John Bathurst.
Thomas Bathurst.
Walter Jones.
John Jackson.
John Brock.
William Putnell.
Joshua Porter, Esq.
Thomas Worsley.
Edward Salter.
Simon Alderson.
John Odeen.
Charles Odeen.
John Worsley.
Eleazar Lillington (*N. Hanover*).
Roger Kennion.
John Adams.
Martin Holt.
Thomas Jewell.
James Touchbury.
Anthony Mackeel.
Thomas Worsley, jr.
Lionell Reading, Esq.
Thomas Blount.
John Hill.
Harman Hill.
Edmond Pierce.
Thomas Tyce.
David Dupoize.
John Pursell.
Robert Turner (*Craven*).
Thomas Pasfield.
William Sigley.
John Rigney.
Moses Barras (*Jones*).
Evan Jones.
James Lee, Esq.
James Lee, jr.
Abram Pritchard.
Thomas Wood.
John Bond.
Robert Campain.
James Shingleton [Singleton] (*Craven*).
William Daw.
Edward Hanakin.
William Lewis, jr.
William Jones.
Thomas Henderson (*Granville*).
William Carruther (*Craven*).
John Carruther.
John Martin.
Thomas Wain.
David Perkins.
William Williams.
Thomas Bonner.
Francis Lenare.
John Chester.
Peter Price.
Thomas Lewis.
Jos. Morgan.
Jos. Tart.
Lazarus Holms (*Sampson*).
Richard Harvey, Esq.
Thomas Jackson.
Jos. Hall.
John Adams, jr.
Henry Baily.
Richard Sylvester.
Oliver Smith.
Richard Pitt.
Philip Bayner.
John Wright.
James Bright.
John Harvey.
William Martin.
Robert Spring.
William Webster.
Henry Bright.
William Cording.
Edward Stafford.
John Fourman.
William Barrow (*Pitt*).
Henry Eburn.
William Windley.
James Welch.
Collum Flin.
Thomas Duvain.
Edward Winn.
Simon Bright (*Greene*).
Abram Wilkinson (*Craven*).
Ezekiel Weeks (*Craven*).
Daniel Cox.
Thomas Philip.
Charles Smith, jr.
Thomas Smith.
John Sulivant.
John Davis.
Cornelius Tice.
John Slade (*Martin*).
Richard Brice (*Craven*).
Roger Mason.
Foster Jarvis.
Thomas Tooly (*Craven*).
Samuel Jasper (*Craven*).
John Leith.
Thomas Gooding (*Craven*).
Edward Hadley.
Thomas Giddens.
Benjamin Slade.
John Giddens.
Benjamin Sanderson.
John Lawson.

List of Jurymen (Freeholders) in Craven Precinct. 1723.

Thomas Martin, Esq.
William Dupoize (*Huguenot*).
William Hudson.
John Tanayhill.
Richard Hill.
Thomas Jones.
Robert Watson.
Thomas Masters, Esq.
Francis Nill.
William Smith.
Col. William Handcock.
Cornelius Loftin.
Leonard Loftin.
John Slocomb.
Christian Isler (*German palatine*).
Christian Slaver (*German*).
John Lecher Miller (*German*).
Jacob Miller (*German*).
Matthew Resenover (*German*).
Francis Brice.
Adam Moor.
George Mites.
Caleb Metcalf.
Peter Handy.
John Fonvielle (*Huguenot*).
John Dipp (*German*).
John Simons (*German*).
Henry Perk (*German*).
Henry Perlerbo (*German*).
John Wixedell (*German*).
Jacob Sheets.
Michael Resabel (*German*).
Edward Garling, Esq.
Peter Real (*Huguenot*).
Richard Johnson.
Martin Frank (*German*).
Randolph Fisher.
John Biggs.
Francis Dawson.
Daniel Shine, Esq. (*Jones*).
Jos. Edmondson.
Charles Hopton.
John Fulpher [Fulford].
Alexander Nelson.

List of Jurymen (Freeholders) in Carteret. 1723.

Capt. John Nelson.
Richard Rustal, Esq.
Enoch Ward.
Richard Whitehouse.
Joseph Fulford.
Edward Ward.
Ross Bell.
William Shubridge.
John Jarret.
Richard Williamson.
John Simpson.
Thomas Gillikin.
Robert Strey.
Robert Atkins.
Richard Harvey, jr.
Edmund Enitt.
Michael Pacquenet (*Huguenot*).
Robert Osborn.
George Coxdell [Cogdell] (*Swiss*).
David Shepert [Shephard].
Richard Canady.
Charles Coxdell [Cogdell] (*Swiss*).
William Wills.
Levi Crossey.
John Shaw.
John Frazer.
John Hatten.
William Noble.
Daniel Macdaniel (*Jones*).

NARRATIVE.

CHAPTER I.

EXPLORATION AND SETTLEMENTS.

To suppose that Sir Walter Raleigh's efforts accomplished nothing, because he did not actually plant an abiding colony in North Carolina, would be most unjust to him, as well as sadly violate the truth of history. To him, notwithstanding his failures, belongs the honor of being the father of English colonization in America. His zeal and enterprise prompted others to pursue the path in which, with so much loss, he had been the bold pioneer; and in the settlement of Virginia at Jamestown, his successors but achieved what his comprehensive mind had originated. Indeed, one of those most conspicuous in the work of planting a colony on the waters of the Chesapeake, had been the friend of Raleigh, and sympathized with him in all his efforts. He was one of those to whom Raleigh had imparted such privileges as his patent allowed, when he found that he could no longer act alone; and his zeal and information eminently qualified him to walk in Raleigh's steps. This individual was the Rev. Richard Hakluyt, a prebendary of Westminster, who has been introduced to the reader in our previous volume. The historians of his day have placed him next to Sir Walter himself, as the great promoter of American colonization. Hakluyt had been taught, by the failures of his friend, that no private individual could, with his own means alone, plant a colony. He therefore, after the expiration of Raleigh's patent, associated others with himself in the formation of a company, sought the royal approbation, and obtained the charter under which Virginia proper was first settled.

Of the trials and difficulties that beset the colony at Jamestown,

our task calls upon us to say but little; and yet, of the history of that colony, somewhat must here be written for the proper understanding of the progress of North Carolina. It was in 1606 that Jamestown commenced its existence. An inspection of the map of Virginia will show, upon the most southern range of her counties, one called Nansemond, immediately north of Gates county in North Carolina. Here, as early as 1609, had the Virginia adventurers planted a colony of about one hundred men,[1] and from these, in part, as we shall see directly, came the first permanent English settlers in Carolina. Another exploration was made by Porey, the secretary of the Virginia colony, in 1622, who passed by land to the Chowan River, and brought back a good report.[2]

As the aborigines receded from the vicinity of the whites in Nansemond, the latter naturally followed on their tracks, and then, crossing what is now the boundary, extended their researches still further toward the southwest into the wilderness of Carolina. Prosecuting their wanderings, they presently found themselves on the waters emptying into Albermarle Sound from the north, and thus was the northeastern corner of what is now North Carolina once more furnished with civilized inhabitants, who, on this occasion, came from Virginia. There are no records that enable us to state with precision the exact time when these bold adventurers planted themselves in their new discovery. Wild rovers, as they were however, and doubtless dependent in some degree upon the chase for food, their migratory spirit was not unlike that of the savage; and hence we may safely assume that but few years elapsed after the settlement of Nansemond in 1609, before these hardy English pioneers had made their wild home in Carolina.

Whether any settlements were made upon the Chowan, in consequence of Porey's favorable report, we have not now the means of knowing, though probably there were; and at all events, the spirit of cupidity as well as of enterprise seems to have been thoroughly aroused. With a liberality which, as it cost nothing, was profuse even to prodigality, Charles the First granted, in 1630, to Sir Robert Heath, his attorney-general, all the land extending from the coast westward for more than one thousand miles, and

[1] Smith's Hist. of Virginia. Richmond Edition. Vol. i. p. 236. [2] Ibid. Vol. ii. p. 64.

lying between the thirty-first and thirty-sixth parallels of latitude. This included the larger portion of North Carolina. The province was called *Carolana.*[1]

Heath subsequently assigned his patent to Henry, Lord Maltravers, who afterward became Earl of Arundel.[2] The fact that, under his lordship's auspices, settlements were made, is positively affirmed by Coxe, but he is a witness not entirely disinterested.[3] If, however, the statement be received as true, it furnishes us with no particulars either of the locality or history of such settlements. Some confirmation of the testimony may, however, be found in the proceedings of the governor and council of Virginia in 1639. In that year, it is certain the king commanded them, by letter, to assist Lord Maltravers "in seating Carolina."[4] From the Virginia records, as cited by a modern historian,[5] it would also seem that a certain William Hawley appeared in Virginia, as "governor of Carolina;" and leave was granted by the Virginia legislature to colonize Carolina, by one hundred persons from Virginia, "freemen, being single, and disengaged of debt." It is not improbable that temporary settlements were made, somewhere in the State, under the patent to Heath: that they proved but abortive efforts, is rendered more than probable by the fact that, as we shall see hereafter, Heath's patent was declared void by the king and privy council of England, on the express ground that its purposes had never been fulfilled.

The legislation of Virginia shows that explorations into Carolina were made from time to time, after this period, and were encouraged by the grant of privileges. Thus we find, in 1641, a petition to explore and occupy unknown lands, south and west of the Appomatox, presented by, and a grant made to, four individuals, whose wanderings, we think, reached beyond the present southern boundary of Virginia; and in 1642, they were confirmed in the enjoyment of all their discoveries for the space of fourteen years.[6] So again in 1653, we find Roger Green, the clergyman who ministered to the inhabitants of Nansemond, applying, in behalf of himself and some of his parishioners, and obtaining a grant of ten

[1] See the patent in Coxe's Carolana, p. 109.
[2] Coxe's Carolana, p. 116.
[3] Ibid. 116.
[4] 1 Hening's Virginia Stat. at large, p. 552.
[5] 2 Bancroft's U. S., p. 130: 1st edition.
[6] 1 Hening's Virginia Stat. at large, p. 262.

thousand acres of land to the first one hundred persons who should settle themselves on the Roanoke, and on the lands upon the south side of the Chowan and its branches.[1]

Indeed, the spirit of discovery seems now to have been thoroughly roused. In 1654, a journey was made from Virginia into Carolina, more extended than any which had preceded it, and resulting in the acquisition of territory, and acknowledgment of the authority of England by some of the most important Indian tribes. In this case, the entry into the State was made through Currituck Inlet, by emigrants living south of Norfolk. The party proceeded first to Roanoke Island, where they found the ruins of the fort built by Raleigh's colonists, some seventy years before; establishing there friendly relations with the natives, they proceeded inland to the Tuscaroras, and succeeded in attaching them to the English interest: they then passed on southwardly, and discovered anew the existence of the Neuse, Haynokes, and Core Indians, who dwelt on the waters of Pamlico and Neuse.[2] Unable, however, as we are to trace with certainty the various exploring companies that visited Carolina, of one particular we are sure, that as early as 1656, very considerable settlements had been formed from Virginia, on the northern side of Albemarle Sound.

And now, to preserve the chronological order of events, we must for a time transport the reader from the shores of Albemarle to the scene of another and distinct colonization. We pass now to the banks of the Cape Fear.

One of the most remarkable characteristic traits in the settlers of New England, and one that developed itself very early after their arrival on the continent, was the migratory propensity of the inhabitants. It seems indeed to have been transmitted by inheritance even to the present day; for there is scarce a spot on the globe, inhabited by civilized men, where a New Englander may not, at this day, be found. Nor is it at all wonderful that, even at the earliest period of New England's history, this propensity should have shown itself. Situated in a climate remarkable for its wintry rigor, and where they extorted from a stony and reluctant soil but a small return at best for the severest labor, the

[1] Hening's Stat. at large, p. 380. [2] Thurloe's State Papers, 273. Ante, p. 19.

colonists of New England, men inured to hardships, and with a courage equal to any daring, naturally turned from the land which had welcomed them but coldly, to cast their eyes upon the ocean which washed their shores: on its waves they found an alluring invitation to their indomitable enterprise. Upon the sea they saw a path by which to push their fortunes, under milder skies and in sunnier regions. Accordingly, we find the men of Massachusetts, within a very few years after their settlement, making their winter voyages to the Chesapeake and its tributary streams; and in 1660, a company, extending their travels still further south, entered the Cape Fear, then known as Charles River, and planted themselves on its borders. These men were adventurers, who came under no authority, and claimed under no grant; for the region where they were had no recognized proprietors. They made some slight examination of the country near the mouth of the river only, and determined to occupy it for the purpose of rearing cattle, which, we must presume, they meant to import from Virginia or New England. Their next step was to secure the co-operation of some of their countrymen in England, in bearing the expense of the enterprise; and accordingly we find that certain individuals, residing in London, were induced, on their representations, "to share in the adventure, and to cast in, at first, a small sum for an assistance or supply to the said undertaking."[1] The larger portion of the company, however, was composed of New England men.

It was subsequently stated by them that they purchased from the Indians, whom they found there, a right to the soil. Having made this purchase, as they alleged, and probably with truth (for they might easily have acquired such title as the natives could grant for a few beads and trinkets), they directed their English colleagues to apply to the king for a patent for the river and soil, which, however, they seem never to have obtained.[2] They placed cattle on the land, but the enterprise proved unsuccessful. Their settlement was on Old Town Creek, in Brunswick county, and commenced, as we have stated, in 1660. It is not certain how long they remained; but they must have abandoned the country before the autumn of 1663; as the evidence is complete to show

[1] Mass. Hist. Col., 3d Series, vol. i. p. 56. Ante, p. 23. [2] Ibid.

that, at that period, not one of them was to be found on the Cape Fear. Of the causes which induced them to leave the country, it is but fair to state that two are assigned, widely different. The one is, that the country proved to be poor, and disappointed their expectations of profit. We learn from a document, emanating from their English colleagues, "that some that were sent from New England thither, in order to the carrying on the said settlement," had returned "without so much as sitting down upon it; and for the better justification of themselves in their return, had spread a reproach both upon the harbor and upon the soil of the river itself."[1] The other, and less creditable, cause assigned for their departure, is, that they were *driven* from the country by the indignant natives: they fled for their lives. The settlers (as some authorities state) had shipped off some of the children of the Indians, for the purpose, as they pretended, of educating them at the north. A suspicion, however, soon arose that this was but a pretext, and that these children had been sold into slavery.[2] Whether this suspicion was well or ill founded, we, of course, have no means of knowing, and however reluctant we may be to credit the relation of such a base act of perfidy, we are constrained to admit with a later writer on this subject, who, though seldom accurate, yet in this case states truly, that "the lax state of morals among the original settlers, and the prevailing custom at that period of selling the miserable natives into slavery, gave too much countenance to the charge."[3]

As to the sterility of the soil, we know that might have furnished an adequate cause for removal; for it must be confessed that the lands they occupied were, for the most part, sandy and uninviting, and hence they might willingly relinquish the care of their cattle to a few friendly Indians, and forsake the country. That they did forsake it utterly, is undeniable; and at their departure they erected a post, in, or attached to which, they left a writing, "the contents whereof tended not only to the disparagement of the land about the said river, but also to the great discouragement of all such as should hereafter come into those parts to settle."[4]

[1] Mass. Hist. Col., 3d Series, vol. i. p. 58. Ante, p. 25.
[2] Lawson, 73–4.
[3] 1 Williamson, 95–6.
[4] Lawson, p. 73.

It was, perhaps, during the short-lived existence of this New England colony, but more probably just after its dissolution, that the rapacity of the courtiers of Charles II. obtained from him a charter of that immense region on the Atlantic, extending from the river Saint Matheo (the St. John's of Florida) to the thirty-sixth degree of north latitude. Charles was a king ever ready to reward his parasites when it cost him nothing to do so, and accordingly on the 23d of March, 1663, the territory above designated, reaching from latitude thirty to thirty-six, was erected into a province by the name of Carolina, and conferred upon Lord Clarendon, the lord chancellor and historian, Monk, who had aided so signally in restoring the king, and was therefore now the Duke of Albemarle, Lord Craven, Lord Ashley Cooper, afterward the well-known Earl of Shaftesbury, Sir John Colleton, Sir John Berkeley, Sir William Berkeley, his younger brother, and then governor of Virginia, and Sir George Carteret. The first object of these titled beneficiaries was to remove out of their way all prior titles or grants, and therefore they speedily obtained from the king in council an act virtually annulling all previous charters. To the solicitation of this act, they were prompted by the fact that scarcely was their charter sealed, before a claim was made, in behalf of the Duke of Norfolk, to the land it covered, under the grant that had been made to Sir Robert Heath in the previous reign; while another was preferred by the heirs of Sir Richard Greenfield, under what title we know not. The king, who had recklessly bestowed, was willing as recklessly to confirm; and the proprietors forthwith began their efforts to make the royal munificence profitable.[1]

In May, 1663, they met to devise their plans. The first measure adopted was that of a contribution of funds, in the nature of a joint-stock company, for the transportation of colonists. Their second was issuing proposals to encourage emigration to their territory. In these proposals there was a wise liberality. The emigrants were authorized to select from among themselves thirteen persons, out of whom the proprietors would choose a governor and six councillors, to serve three years. That beside these, the emi-

[1] 1 Williamson, p. 255. Ante, p. 21.

grants were empowered to elect a certain number of delegates, freemen, who, together with the governor and council, should constitute a grand assembly, to which belonged the power of making laws, not contrary to those of England, and subject also to repeal by the proprietors. That freedom should be enjoyed by the colonists; and that for the five years next following, every new settler should receive one hundred acres of land, and fifty in addition for each servant he brought into the colony, subject only to the payment of a halfpenny per acre. There was also entire exemption granted from the payment of any custom dues.[1]

Publicity was promptly given to these offers of the proprietors, because of certain proposals which reached them, purporting to be made by the company of New England adventurers who had formerly settled on, and then abandoned, the lands near the mouth of Cape Fear. These proposals of the New England men asserted a claim to title, arising from prior occupancy, obtained by purchase from the Indians; and are amusing as a remarkably cool specimen of effrontery, coming as they did from men who, not content with abandonment of the country by themselves, took pains to leave behind them, for the benefit of all future comers, their solemn testimonial of its utter worthlessness. The proprietors immediately sent to the English members of the New England company, who resided in London, a copy of the paper they had received, together with their own proposals to emigrants, and were, doubtless, much surprised to hear in reply from the English adventurers, that they were "altogether strangers" to the document that had been sent to their lordships, and "knew nothing of the delivery of it."[2] It probably was a sharp device of the New England men, who, finding the lands had now passed into the hands of wealthy and titled proprietors, who were in entire ignorance of the past, hoped, by a bold claim of right, in which nothing could be lost, but something might be gained, to receive compensation for that which was so worthless in their eyes that they had once deliberately thrown it away.

The reply of the English adventurers to the proprietors is marked by extraordinary caution and a most discreet purpose of

[1] 1 Martin, 128. Ante, p. 26. [2] Mass. Hist. Coll., 3d Series, vol. i. p. 55. Ante, p. 28.

non-committal. It neither admits nor denies the title of the proprietors, gently hints that the usual mode of acquiring a right to wild lands on this continent was by purchase from the Indians, that they had subscribed in fact themselves, because they thought the right thus acquired by the New Englanders was good; and further suggesting that the support of New England is almost indispensable to the existence of a colony on Cape Fear, they proceed to state that the New England colonies had ever possessed "full liberty to choose their own governors among themselves; to make and confirm laws with themselves; with immunity also wholly from all taxes, charges, and impositions whatsoever, more than what is laid upon themselves, by themselves:"—and then comes the important admission of the historical fact that there were, at that time, *no New England men on the Cape Fear;* and that they knew the country had been explored and abandoned by them; for they proceed to state, that the adventurers in New England, notwithstanding their interests and estates there, "how much soever they have declared their willingness, forwardness, and resolution to transport and remove themselves and their respective families unto the said Charles River [Cape Fear was then so called], and to settle there, will nevertheless *decline the said resolution again;* and will not, by any arguments that may be used by the said adventurers here, be induced to unsettle themselves, and to run all the hazards that must be considered in such doubtful undertakings; nor, if willing, will be able to persuade others to join with them there, if they shall hear, or be acquainted beforehand, that no one of the said privileges before mentioned, and which have hitherto always been enjoyed by them, are like to be allowed or preserved entire to them."

They then proceed to state that which shows they knew very well the past history of the settlement on Cape Fear, though the proprietors did not: "At present the undertaking of the plantation of said Charles River lieth under some obloquy, that hath given a check to it. Some that were sent from New England thither, in order to the carrying on the said settlement, being come back again without so much as sitting down upon it; and for the better justification of themselves in their return, have spread a reproach

both upon the harbor and upon the soil of the river itself." And in consideration of these several particulars, they express the fear that among the inhabitants of New England "all thoughts of further proceeding in the said river will be wholly laid aside."[1] This reply was written at London on the 6th of August, 1663.

The proprietors seem to have taken no notice of this communication, and their next step was to write to one of their own number, Sir William Berkeley, who was in Virginia as governor, and in their communication they thus speak of the incidents we have been relating: "We do likewise send you proposals to *all* that will plant, which we prepared upon receipt of a paper from persons that *desired to settle* near Cape Fear, in which our considerations are as low as it is possible for us to descend. This was not intended for your meridian, where we hope to find more facile people, who, by your interest, may settle upon better terms for us, which we leave to your management, with our opinion that you grant as much as is possible, rather than deter *any* from planting there."[2] This document bears date the 8th of September, 1663.

We have been the more particular in our statement of the settlement by New England men on the Cape Fear, because we apprehend undesigned errors have been disseminated on this point of our history, under an authority which may afford them too ready a reception. A modern historian[3] seems to be of opinion that the claim of the New England settlers (which was so feeble that, as we have seen, it was formally disavowed, as to its authorship, by the London colleagues of the settlers), was sufficiently alarming to operate on the fears of the lords proprietors, and force them into the offer of a "compromise." These aristocratic patentees, basking as they were in the smiles of the court, and with a decree of the king and privy council annulling all titles but their own, were not likely to feel themselves driven to the necessity of a "compromise" with any one; and, least of all, with a few wandering herdsmen from New England, whom they could dispossess without difficulty. So far from offering or making a compromise,

[1] Mass. Hist. Coll., 3d Series, vol. i. pp. 57–8. Ante, p. 23.
[2] 1 Williamson, p. 256. Ante, p. 26.
[3] 2 Bancroft's U. S., p. 131.

therefore, they, in the form of proposals (not to New England men exclusively, but "to *all* that would plant in Carolina"), authoritatively dictated the terms on which alone they would receive settlers at all. If these proposals constituted the supposed compromise, then was it as much offered to inhabitants of Old England, Virginia, or Barbadoes, as it was to New England men.

Again, we think there is a slight historical error in the statement that the "proprietaries promised *emigrants from New England* religious freedom, a governor and council, to be elected from among a number whom the emigrants themselves should nominate, a representative assembly, independent legislation, subject only to the negative of the proprietaries, land at a rent of a halfpenny an acre, and such freedom from customs as the charter would warrant."[1] All these privileges were indeed promised by the proprietaries in their proposals; but not one word in the publication of them confined these benefits to the men of New England. On the contrary (as the object was to promote colonization from every quarter), the language of their lordships was: "If, therefore, *any* industrious and ingenious persons shall be willing to partake of the felicities of this country, let them embrace the first opportunity, that they may obtain the greater advantages." And so far from being addressed particularly to the colonists from Massachusetts, the publication intimates a hope and expectation of obtaining settlers from Bermuda; and is more particular in reference to them than to the inhabitants of any other locality: indeed, none other is specified by name.[2]

One other particular remains briefly to be noted, and we will then resume our narrative. In the letter from the lords proprietors to their colleague, Sir William Berkeley, already mentioned, it will be remembered that their lordships inform their partner that they have made their proposals to settlers as low as they could, and thus proceeds: "This was not intended for your meridian, where we hope to find more facile people, who by your interest may

[1] 2 Bancroft, p. 131.

[2] A Brief Description of the Province of Carolina on the Coasts of Florida, &c. This is the *second* edition of the proposals of the proprietors. The first was published in 1663; this in 1666. It is rare, and Chalmers has misled Mr. Bancroft.

settle upon better terms for us;" and this language doubtless impressed on the historian the idea of that "compromise" which he states the proprietors made with the New England men.

There can be no doubt that the proprietors were desirous of obtaining colonists from *all* quarters. It is certain also that they were willing to be as liberal as they could afford to be. Equally certain is it that, subsequently, they hoped to obtain the largest number from New England; for they wrote, "Make things easy to the people of New England, from which the greatest emigrations are expected;" and this the historian quotes correctly, as being the instructions given to the governor; but the latter portion of the passage escaped his notice—"*as the southern colonies are already drained.*" This is the reason assigned for the expectation, and not any extraordinary liberality to be extended to New England men, *exclusively*. Beside, *when* were these instructions given? Not until January 1664–5: this was *after* the grant had been made to the Barbadoes adventurers, and *after* Cape Fear had been planted under Sir John Yeamans: and to what governor were they given? Not to Berkeley in Virginia, but to Sir John Yeamans on the Cape Fear.[1]

True it is that the proprietors did, in 1663, say to Berkeley, that in his part of the country they hoped "to find more facile people."[2] And why this hope? Because settlers removing from Virginia to Carolina changed their locality only, not the manners and customs with which they were familiar. If they settled on Chowan or Roanoke, they would, as they knew, change their position to more fertile lands: beside this, they would still, after the change of residence, be near old friends and relatives in Virginia, and could have easier communication with them than the Massachusetts or Plymouth colonist could enjoy with New England. These were reasons quite sufficient to excite the expectation that residents of Virginia would, more easily than northern emigrants, be induced to make their home in Albemarle. That the expectation was well founded, was proved by the result; for, despite the "compromise" and the more favorable terms supposed to be offered to the New England men, the fact stares us in the face, that within

[1] Chalmers' Annals, p. 521.

[2] 1 Bancroft's U. S., p. 132.

a short time afterward the southern colonies were drained, and that Cape Fear was settled from Barbadoes.

It is, however, but justice to the historian to add, that it is easy to see how he has here been misled. At the time he wrote this portion of his work, his indefatigable industry had not obtained all the materials for this part of our history that he now possesses. He was obliged to rely chiefly on Chalmers, who is by no means perspicuous in discriminating between the *two* colonies of Albemarle and Cape Fear, and their respective governors: nor should these slight and almost unavoidable inaccuracies, which doubtless will be corrected, detract from the merits of his valuable labors.

To the history of this settlement from Barbadoes we now proceed. Several of the inhabitants of that island, according to the statement of Chalmers, had become dissatisfied with their condition, and anxious to become the heads of a less considerable establishment.[1] They turned their eyes toward Carolina. They had probably seen the proposals of the proprietors, and they were certainly acquainted with the evil reports of the New England men who had been there.[2] Before, therefore, they would decide on permanent removal, they resolved on exploration. Accordingly, they fitted out a vessel, and placing her under the command of Hilton, an experienced navigator, they associated with him Long and Fabian, and dispatched them to survey the country on the Cape Fear. It was on Monday, the 12th of October, 1663, that they anchored in the mouth of the river, and we have no difficulty in determining the extent of their explorations, as they have left a full account, which has been preserved by Lawson.[3]

And here it may be remarked, that on their arrival they found not one of the New England colony on the land. All had gone; and the explanation of their absence was contained in the paper which they had left, and of which we have spoken, denouncing the spot as unfit for human habitation. The cattle which they had introduced were found, it is said, wandering about under the nominal care of some of the Indians, though the voyagers themselves state that, after diligent search, they could not find them;[4] and their settlement at Old Town Creek was deserted and in ruins.

[1] Chalmers' Annals, p. 520.
[2] Ibid.
[3] Ante, p. 29.
[4] Lawson, p. 66. Ante, p. 29.

The Barbadoes explorers appear to have ascended the river to the distance of about one hundred and fifty miles, and also to have made an examination of some of its tributary branches. It is difficult now in all cases to recognize the spots indicated by the names bestowed by the voyagers. Thus, we have "*Swampy Branch*," "*Green's River*," "*Stag Park*," "*Rocky Point*," "*Turkey Quarters*," "*Highland Point*," "*Hilton's River*," with mounts "*Skerry*" and "*Bonny;*" and though some of these may now be identified by the names thus early bestowed, yet as to the exact locality of others we are in some degree left to conjecture.[1]

The examinations of the Barbadoes men were, however, far more extensive than those of the New England colonists; and hence the country presented itself to their eyes in an aspect more favorable than that in which it had been seen by their predecessors. Indeed, the account they give is one corresponding very much in its most important particulars with what we now know to be the true state of that region as to its general features and the quality of the soil. Their observations also appear to have been made with great minuteness, as to the latitude of different points, the bar at the entrance of the river, the channels, the depth of water in the river and its branches; insomuch that it is quite certain no survey of equal accuracy had previously been made by English navigators on any part of the present coast of North Carolina. The exploring party remained on the Cape Fear from October until the beginning of December, and during its stay a purchase was made from the Indians, for the consideration of a few trinkets, of a tract thirty-two miles square, which they describe in the deed as "the river and land of *Cape Fair*." On the 6th of February, they reached Barbadoes.

The projectors of the expedition, satisfied with the report of their agents, solicited from the lords proprietors the grant of the tract thus purchased from the Indians, together with all the powers of a corporate body.[2] Their lordships declined compliance with their request: but such a grant was made as was satisfactory; and in January, 1664–5, Sir John Yeamans, then a respectable planter of Barbadoes, was appointed by the proprietors governor

[1] Vide Ante, p. 29.

[2] Chalmers' Annals, 520.

and commander-in-chief of the new colony to be planted on the river. A new county was also formed, which was made to include not merely the Cape Fear region, but extended to the southward, down on the coast of the present State of Florida. There were thus *two* counties now established within the limits of the patent of the lords proprietors. On the north was Albemarle, which included the territory between the Sound of that name, and Virginia, together with the lands lying on both sides of the Roanoke; and on the south was the county indicated above, by the name of Clarendon. There was an intermediate region, which extended from a point somewhat north of the Cape Fear, up to Albemarle, including the country on the Neuse and Tar rivers, and which, many years afterward, constituted the county of Bath; but at the time of which we write, it was unoccupied save by the savage, or the almost equally wild white hunter from the northern shores of Albemarle or from Virginia.

As to the governor of the new colony, he is spoken of by the historian, as the "the son of a cavalier, a needy baronet, who, to mend his fortune, had become a Barbadoes planter."[1] His subsequent history shows, indeed, that he was of that large number whom prosperity corrupts. At this time, however, no stain rested upon his character; he was by birth a gentleman, and his ancestors had been loyal. His father, who was one of the civic dignitaries of Bristol, had proved at least his sincerity as a loyalist by sacrificing his life in the cause of the unfortunate Charles, and his son was thereby impoverished.[2] It was no crime that he sought "to mend his fortunes" by emigration; and planting in Barbadoes was not a disreputable occupation. He may have been "a needy baronet," however, when he emigrated to Barbadoes. Martin, however, states, though we think incorrectly, that he chanced to be in England at the time the exploring expedition returned from Cape Fear to Barbadoes—or, at all events, when the adventurers applied to the lords proprietors for a grant—and that Yeamans was selected by their lordships as governor, and on that occasion was knighted.[3] There is one important point of difference to be here noted between the Albe-

[1] 1 Bancroft's U. S., p. 137. [2] 1 Williamson, 98. [3] 1 Martin, 142.

marle colony and that on Cape Fear. We have seen, on a former page, that in the first proposals issued, in 1663, by the proprietors, the governor of a colony and six councillors were to be selected by them out of thirteen individuals, named to them by the colonists; and Martin informs us that the first governor of Cape Fear, Yeamans, was thus selected out of thirteen.[1] Whether this be a mere conjecture of the historian, we cannot say; but in the new colony of Clarendon, the people, under the proposals published in 1666, were allowed to choose their own governor from among themselves, *to hold office for three years;* while in Albemarle, the first governor, as we shall see hereafter, was appointed by Sir William Berkeley, as agent of the lords proprietors, without any election having been made by the people at all, as far as we have historic evidence on the subject. The lords proprietors were now undoubtedly making vigorous efforts to procure colonists from all quarters, and hence may have manifested more liberality in their conduct. They had agents employed in seeking emigrants on the continent of Europe, in Ireland, Scotland, the West India Islands, Bermuda, and in the colonies already planted on the main land of America. From Bermuda, some were obtained who went to Pasquotank River, and engaged in ship-building; from New England, some few went to Chowan, and engaged in planting;[2] but, as far as our researches have gone, we can find but few, and those only of the poorer class, that went to Clarendon. Most of the emigrants from Massachusetts went to the shores of Albemarle, with which they had become familiar by their commercial relations, for it was *there* they annually went in their small craft to trade; and there, if they wished permanently to settle, would they most naturally plant themselves.

On the 29th of May, 1664,[3] the colony under Sir John Yeamans, consisting of several hundreds, landed on the banks of the Cape Fear and commenced their settlement. The foundation of a town was laid; and Mr. Bancroft, following Martin, says that it "flourished so little, that its site is this day a subject of dispute."[4] This is not quite correct. In the map which accompanies the

[1] 1 Martin, p. 142.
[2] Ibid.
[3] Brief Description of the Province of Carolina, p. 2. Ante, p. 37.
[4] 1 Bancroft's U. S., p. 137.

"Brief Description of the Province of Carolina on the Coasts of Florida," published in 1666, two years only after the colonists landed, and set forth under the auspices of the lords proprietors themselves to make known their proposals to emigrants, the town is laid down with great distinctness.[1] It is also on the map of Lawson, as well as on others in our possession, older than Lawson's, and was in Brunswick county, at or near the junction of Oldtown Creek with the Cape Fear. The colonists called it "Charles-towne." And here, leaving Governor Yeamans for the present, to lay as securely as he can the foundations of his infant settlement, we invite the reader to go back with us to the northern colony of Albemarle.

The region south of Albemarle, as far down as Pamlico and Neuse, derived the larger part of its first settlers from the counties between the Sound and Virginia. But before these commenced their migration, there were some whites there, though they were not English. As early as 1690, Martin informs us that some of the French Protestant refugees who had been sent by the royal benevolence to colonize on James River in Virginia, had purchased lands on Pamlico and planted themselves upon them. In 1698, a few years later, the inhabitants of Albemarle began their settlements on Pamlico. Williamson states, that just before, the natives of that region had been visited by a pestilential fever, which had destroyed them in immense numbers. This, for which, as usual, he cites no authority, is probably incorrect; for we apprehend it would be difficult to produce an instance among our southern Indians, accustomed from childhood as they are to the climate, of any disease like epidemic fever breaking out among them and proving generally fatal. All the instances of great mortality among them seem to have followed upon the introduction of contagious diseases derived from the whites. Martin, therefore, is much more likely to be correct, when he states that the disease which reduced the nation so sorely was small-pox.[2] Against this the poor creatures had no knowledge or skill to oppose; but as to fevers, we learn from Lawson that, in general, they knew how to treat those of the climate more successfully often than the white

[1] Vide ante, p. 42, for a fac-simile of the map.

[2] 1 Martin, p. 200.

practitioner. At all events, death in some form had made an opening for the whites, of which, possibly, they were glad to take advantage; and at any rate, so it was that, in 1698, they began to open plantations on Pamlico. That they were not, however, very numerous or extensive, we may fairly infer from the fact that in all the province, about that time, there were not more than five thousand inhabitants;[1] and of these we know, from the census of the Rev. Mr. Adams, that in 1707, no very long period after, Pasquotank and Currituck alone contained more than two thousand. Soon after these English settlements on Pamlico, the town of Bath was commenced in 1705, and this was the first incorporated town in North Carolina; for though settlements had been made in Chowan, at a place called Queen Anne's Creek, which afterward became Edenton, yet at the time of which we write that name was unknown, and no town had been regularly incorporated at that locality. Perquimans was the first county settled, and Bath the first town legally created in the State. Forty-two years elapsed between the first settlement and the commencement of the first town. The country was wholly agricultural, and the products were taken in vessels directly from the banks of the water-courses on which the plantations were almost invariably opened. Hence the slow growth of our towns.

In 1707 came a second body of French emigrants, considerable in numbers, from the James River settlement in Virginia. These had probably been allured by the representations of their countrymen who preceded them in 1690 and settled in Pamlico. This second migration proceeded beyond Pamlico, and made their home on Neuse and Trent rivers, whence, afterward, some of them and of their descendants passed over into what are now Onslow and Carteret counties, where their names are still to be found. These last French emigrants, all Protestants, brought with them into Carolina their clergyman, Phillipe de Richebourg, some of whose descendants are still living in our county of Buncombe.[2] After a time, he, with a portion of his people, proceeded further south, and they planted themselves on the Santee River, where De Richebourg died.

[1] 1 Martin, p. 211.

[2] Ex relatione Gov. Swain.

Two or three years after this addition to the population, in the latter part of 1710, a considerable accession was made, by the arrival of a large number of Germans and Swiss. For these the colony was indebted to troubles in Europe. The Germans were from Heidelberg and its vicinity, on the Neckar, in the Grand Duchy of Baden, and had been made the victims of religious persecution, because they could not change their creed with each successive change of their rulers. But, beside this, Heidelberg passed through many sad vicissitudes, and was desolated more than once by the horrors of war. In 1622, the Spaniards, under Tilly, reduced it to a heap of ruins. It was rebuilt, and remained in peace, though shorn of much of its former greatness, until the Protestant electoral house became extinct, when a bloody war ensued, and in 1693 it was again desolated, and its inhabitants, with those of the vicinity, to the number of many thousands, were finally driven from the palatinate, and forced to seek a home in foreign countries. Great sympathy was felt for these poor creatures, whose sin was Protestantism merely: on the one hand, their own elector, who was a bigoted Romanist, persecuted them; while on the other, the French army, considering them simply as Germans, plundered them as enemies. The Queen of England pitying their condition, by her proclamation, in 1708, offered them protection in her dominions, and about twelve thousand of them went to England. It was from among these the emigrants to Carolina came.

It so happened that about the same time, Christopher, Baron de Graffenreid, a Swiss nobleman from Berne, was in England, with a large number of his countrymen; and they were anxious to emigrate to America. Among the Swiss gentlemen in London was Louis Michell. He knew America very well, having spent several years in the country. The Canton of Berne had sent him over, as an agent, some years before, to explore and find a large and vacant tract of land, suitable for a colony, on the frontiers of Pennsylvania, Virginia, or Carolina. He therefore was no stranger to America.[1]

[1] Some account of him may be found in the history of Lancaster in Pennsylvania, where, in his explorations, he was suspected of being a French spy, and arrested. His descendants still live in Newbern, and write the name Mitchell, which orthography we shall adopt.

De Graffenreid and Mitchell acted together, and determined on Carolina as the locality where they would settle. Accordingly, they bought from the lords proprietors ten thousand acres of land, to be laid off in one body, on or between the Neuse and Cape Fear, or any of their branches. They paid twenty shillings sterling for each hundred acres, and bound themselves to a quit-rent for the same, of sixpence yearly for every hundred. It was also agreed that instructions should be given to the surveyor-general to lay off, in addition, one hundred thousand acres, to be reserved for them twelve years. De Graffenreid was also made a landgrave.

De Graffenreid and Mitchell, of course, wanted tenants for their lands; and beside, their own countrymen, the Swiss, were very glad of the opportunity of procuring additional colonists from among the poor German palatines. The lords proprietors, of course, made no objection, for it was their interest to have Carolina peopled. The queen was satisfied, for she was thereby not only relieving herself of the support of the poor Germans, but increasing the strength of her American colonies. She had before this appointed commissioners to collect money for the Germans, and provide for their permanent settlement. A negotiation therefore commenced between these commissioners, the Swiss leaders, and the lords proprietors. The result was, that De Graffenreid and Mitchell agreed to transport one hundred families of the palatines (about six hundred and fifty persons), with their own Swiss colonists; to give to each family two hundred and fifty acres of land, five years for nothing, and after five years at a rent of two pence per acre; to furnish them gratis with tools for agriculture and building; to supply them also with cattle, hogs, and sheep, which they should not pay for until seven years after receiving them; and to supply them also for twelve months with necessary food for themselves and families, which they should not pay for until the end of the second year after their arrival.

The commissioners, on their part, agreed to give each colonist, young and old, twenty shillings sterling in clothes and money, and to pay De Graffenreid and Mitchell five pounds ten shillings sterling a head for transportation. Williamson, in his account of this transaction, represents the Germans as mere "objects of specula-

tion" to the Swiss gentlemen. He states also that De Graffenreid, to whom the lands were conveyed by the proprietors, never made a title to the Germans, but mortgaged the lands to Col. Pollock, and returned to Switzerland. It is true that, after his experience of Indian treatment, he did return to Berne in disgust, that he thence wrote to Col. Pollock on his business, and that an answer was sent showing his indebtedness to Col. Pollock; but not one word, in that answer, shows that Col. Pollock's debt was *secured by a mortgage at all.* Had it been, Col. Pollock, we think, could have paid himself what De Graffenreid owed him; whereas, the correspondence shows that he lost money by the baron's ungenerous conduct. Still, we believe that the Germans never did have a title to their lands from De Graffenreid; but not exactly on the testimony of the letter alluded to by Williamson. His carelessness of statement is strikingly illustrated by the fact that he actually refers to a letter, as authority, which has no existence. We have Col. Pollock's letter-book now before us, and the letter alluded to is not dated either on the day or even in the year stated by Williamson.

The evidence on which we believe the German palatines had no title from De Graffenreid is to be found in the minutes of the council. Under the date of November 6th, 1714, their petition was read, setting forth that they were "disappointed of the lands," &c., which were to be provided for them, and praying that each family (now greatly impoverished by the Indian war) might have permission to take up four hundred acres of land, and have two years' day of payment allowed them. Their petition was granted, and their case represented to the lords proprietors. It is but justice to Louis Mitchell to say, that the title from the proprietors was not in him, but entirely in De Graffenreid.

In December, 1710, these Germans and Swiss landed at the confluence of Neuse and Trent Rivers, and the town of New Berne was begun. There were now, therefore, about 1710, three classes of settlers in the State. First, there were the English, on the northern side of Albemarle, gradually extending themselves westward beyond Chowan River. This was the most populous part of the province. Some of these people on Albemarle were also making their way southward toward Pamlico, and settling about

Bath; while some few probably halted in the intermediate region of Tyrrel.

Next, there were the French Huguenots of the two emigrations from Virginia in 1690 and 1707. The first were on Pamlico; the last on Neuse, and chiefly on Trent River, whence some of them had wandered into what are now Onslow and Carteret counties.

Lastly were the German palatines and Swiss. Of the former we know the number, six hundred and fifty; of the latter there is no *certain* statement that we are aware of, though they are said, in some documents we have seen, to have been fifteen hundred. These were on the land lying between the Neuse and Trent, at and near their junction; and of both Germans and Swiss many of their descendants remain in that part of the state to this day.[1]

At this time about half of the Albemarle settlement was composed of Quakers, and probably the whole population of the province was not seven thousand. At any rate, it is certain that in 1714 it was but seven thousand five hundred, though this small number we know is in some degree attributable to the slaughter and emigration caused by the Indian war, then but just over. Many of the Albemarle people went over into Virginia to avoid the horrors of the war. But independent of this testimony, the revenue of the country shows that the population must have been small. All the land sales and quit-rents of the proprietors yielded them, in 1714, but eleven hundred pounds sterling; and after the expenses of government were paid, there remained for each proprietor a dividend of net profit of about twenty pounds only. Indeed, as late as 1717 there were but two thousand taxables in the province.[2]

It is difficult to say with certainty at what time Edenton was commenced, though we know it had no corporate existence until

[1] An old document signed by the palatines (a petition to the king, in 1711–12), gives us the following German names yet familiar in Craven and the adjacent counties: Eslar [Isler], Grum [Croom?], Renege, Moor, Eiback [Hypock], Morris, Kinsey, Wallis, Genest, Miller, Walker, Granade, Simons [Simmons]. Among our old records we also find, of the Germans, Martin Francke, Chenawolfe [Shanawolf], Physcoe [Physioc]. Of the Swiss we find, Coxdaile [Cogdell], from whom, on the maternal side, descend the North Carolina branch of the families of Stanly and Badger.

[2] We have here followed the best authorities we could find; though it is proper to add that Gov. Swain thinks them inaccurate, and that the population is considerably under-estimated.

after Bath was founded. Wheeler refers its beginning to the year 1716,[1] though we are inclined to think it may have been earlier. Martin, though with an avowal of his uncertainty, places it about the year 1720.[2] This is undoubtedly much too late. The revised body of laws in 1715 contains one in which "the town called Edenton" is expressly recognized, and provision is made for its enlargement; and a representative is allowed it, "as a further encouragement to the said town being the metropolis of this government." It existed therefore before 1715; and probably, as Governor Eden came to the government in the previous year (1714), the settlement on Queen Anne's Creek then first assumed the name. It would not have derived its name from him before he was governor.

The next town that was established was in 1723; this was Beaufort, in Carteret county; in the previous year (1722) the precinct of Craven had been divided, and Carteret was taken from it. But not the Carteret of this day, with existing boundaries; it embraced all the country southwest of it to the Cape Fear River, thus covering both the present counties of Onslow and New Hanover.

The population of Albemarle seems now to have been extending westward. That portion of it lying to the west of Chowan River was in the same year (1723) erected into the precinct of Bertie. It derived its name from one of two lords proprietors, it is uncertain which. James Bertie was at this time the owner of the original share of Lord Clarendon, and Henry Bertie was the proprietor of that owned first by Sir William Berkeley.

But settlements began now to extend south as well as west. The Cape Fear had twice been the scene of an unsuccessful attempt at colonization. The New England herdsmen, as we have seen, had gone there and abandoned it before the grant to the proprietors of 1663. The Barbadoes colony under Yeamans had established themselves securely, and might have remained, had they not been allured by the supposed superior attractions on Ashley River. In 1723, when agriculture had long ceased on Cape Fear, and no English lived there, but when the creation of the precinct of Carteret brought its eastern shore within the government of the

[1] Wheeler, p. 88.

[2] 1 Martin, p. 288.

province and offered some protection to settlers, once more, and for the *third* time, the white man planted himself on its waters. This was a permanent settlement, and, as far as names in that region afford the means of judging, many of its first settlers came out of Albemarle. Bath and Craven, however, made their contributions also, and some came from what is now South Carolina.

Matters now appeared to be assuming something like order. The Indians, who, after the war of 1711–12 (ending in the migration of the Tuscaroras to New York), never were able to gather in such strength as made them formidable, were still wanderers in the province, living, as a whole, peaceably, and troublesome only by reason of individual depredations and crimes. It was deemed best now to give to them extensive territories, marked by well-defined limits, within which they might live and hunt unmolested by any white man, while they were allowed free permission, under proper restrictions, to associate with the whites in their settlements.

The Chowans were settled on a tract situated on Bennet and Catharine creeks. Here they might roam undisturbed over more than eleven thousand acres, a space surely ample enough for a people whose fighting men did not amount to fifty. This allotment of territory, however, had been made as early as 1714, and was now confirmed anew.

The Core, Cotechny, and Matamuskeet Indians were settled in Hyde county, around Matamuskeet Lake, on a tract of ten thousand acres, where an agent lived with them. King Blunt and his Indians had their territory on the Roanoke. The Hatteras tribe were on the sand-banks east of Pamlico Sound. They were very few and very poor, and the government, in their distress, always supplied them with food.

The Poteskeet or Currituck Indians lived on the banks that form the eastern part of the county of Currituck, and had permission to hunt there without molestation from any Englishman.

The Meherrins (who, we think, were remnants of the Susquehannocks of Captain Smith and the Jamestown settlers, one hundred years before) had their lands allotted them between the Meherrin and Blackwater.[1]

As connected with the subject of the extension and settlement

[1] For these localities, the authority is the "Minutes of Council."

of our territory, we come now to the facts relating to the establishment of the boundary line between Carolina and Virginia—a work which occupied several years from its inception to its completion. The second charter to the proprietors in 1665, as we have already stated, extended the northern boundary of Carolina to the Virginia line, which was represented as being in latitude 36° 30′. The words of the charter were as follows: "Extending north and eastward, as far as the north end of Currituck River or inlet, upon a strait westerly line to Wyonoak Creek, which lies within or about the degrees of thirty-six and thirty minutes, northern latitude; and so west, in a direct line, as far as the south seas." As early as 1681, our records show that this boundary was the subject of dispute, and that North Carolina prayed the lords proprietors to apply to the crown for orders to Virginia to settle it equitably and amicably.[1] Again in 1706, North Carolina actually began to run the line between Virginia and herself; but whether with the cooperation of her neighbor, or alone, we cannot tell.[2] In March, 1709, the minutes of the lords proprietors show an order declaring that the boundary must be settled.[3] It would, therefore, appear that the statement is not quite correct which represents Virginia as having, from the beginning, sought the adjustment of this question, while North Carolina, from interested motives, opposed it.[4] It is asserted by the authority last cited, and no doubt truly, that in the uncertainty as to the boundary, the people on the frontiers entered land and took out patents "by guess," from the king or the lords proprietors, accordingly as they thought the lands were on the one side or the other of the line. Equally true is it that the terms both of entering and "seating" lands were cheaper in Carolina than in Virginia, and that the taxes were also less in the former than in the latter; and these considerations may, as it is said, have induced the northern province to take measures for ascertaining the true boundary. It is also true that, after negotiations commenced on the subject, both provinces agreed that no lands should be granted by either, within the disputed bounds on the border; but it is not true that Virginia religiously adhered to this agreement, while Carolina did not. One fact alone would be

[1] Chalmers' MSS. [2] Ibid. [3] Ibid. [4] Westover MSS., p. 8.

sufficient to establish this: when the line was run by the joint commission in 1729, on the first day, March 7th, two thousand acres of land and ten families, which had been supposed to be in Virginia, fell on the Carolina side: on the 8th of March, some thousands of acres and five or six families, reputed to be Virginian, were found to be in Carolina: on the 9th, the true line ran three miles to the *northward* of that claimed by Virginia: on the 11th, ten thousand acres were taken from what had been supposed to be Virginia: on the 12th, Virginia gained the first land that she obtained in the survey. It consisted of four or five small tracts, with as many poor families on them. On the 13th, six hundred and forty acres of land, and three small families on the tract, were found to be in Virginia; while it was very evident that Virginia had been granting patents in the disputed territory, for a few families to the southward of Northwest River had such patents. It is true the line showed the lands to be lawfully granted, for they were found to be in Virginia; but they were on the border, in the disputed territory, and should not, by agreement, have been granted at all before the boundary was settled. In short, without being more particular, it is enough to say that the line was, in general, some distance northward of what Virginia claimed; that a very large body of territory and a number of families that had before been reputed in Virginia, amounting to more than one hundred thousand acres of land and three hundred tithables, were found to be in Carolina.[1] It will thus be seen, that as Virginia claimed ownership to a line far south of that which was true, Carolina could not have made grants, even if she wished it, beyond that false but reputed line, without making such encroachments on Virginia's supposed territory as would have immediately provoked her resistance. It is very probable, nay almost certain, that grants were in some instances made by both governments for lands they did not own: under the circumstances it was unavoidable, and implies no dishonest purpose in either; but our council minutes show, that in cases where no doubt could possibly exist as to ownership, Virginia was disposed to make grants of lands belonging to Carolina. Orders were given by Virginia in 1718, before the boundary

[1] Report of N. C. Boundary Commissioners. MSS. in Sec. of State's office.

was settled, and when the agreement was in full force not to make grants in the disputed territory, whereby she directed her surveyor-general to lay off thirty thousand acres of land on Moratuc or Roanoke River, beginning at Bridger's Creek and running up the river. This land was not only within the unquestioned boundaries of Carolina, and not within the controverted limits, but had been acknowledged by Virginia herself so to be. The governor and council of North Carolina immediately adopted measures to stop the survey; and, if necessary, to prevent it by force.[1] We are inclined to think that in this matter crimination and recrimination may be dispensed with.

About the year 1709, the queen, upon a report from Virginia, directed commissioners to be appointed on her part for Virginia, and the governor and council of Carolina appointed Moseley and Lawson, on their parts, to run the line. The commissioners met several times, and those for Virginia represented to the queen in council, through the Board of Trade, that the commissioners from Carolina were influenced by interested motives, and did not want the boundary settled; that consequently they interposed all the obstacles in their power, objecting to the instruments, though they were such as were of universal use and approved by the best mathematicians. They therefore proposed that the queen should direct the lords proprietors to appoint other commissioners, with positive orders to make the survey and return it within six months. Her majesty ordered accordingly. We have never heard what Moseley and Lawson said to this representation, if indeed they ever had an opportunity allowed them of replying. Both of them, however, understood their business as surveyors well, and, as we shall see hereafter, objected, not without reason, to these instruments of "universal use and approved by the best mathematicians." Subsequent events show, either, that there was defect in the instruments, or that the Virginia commissioners did not know how to use them, while Moseley and Lawson did.[2]

At length the crown, in 1711, directed Spotswood, the governor of Virginia, to arrange matters with the authorities of Carolina for

[1] Minutes of Council, Feb. 22, 1719. MSS. in Secretary of State's office.

[2] See Westover MSS., pp. 8, 95.

a joint running of the line by commissioners appointed by each government; and he accordingly wrote to Hyde, who at once responded that the lords proprietors were entirely ready to enter upon the business. Nothing, however, appears to have resulted immediately from this correspondence; and the queen, in January, 1713, ordered, in council, that letters mandatory should be sent to the proprietors and the Governor of Virginia for the immediate settlement of the boundary.[1]

As soon as Eden was appointed governor, Spotswood wrote to him, and Eden, as Hyde had done before him, expressed a readiness to have the line run without delay; and at a meeting of the council of Carolina, in August, 1714, Moseley was required to deliver into the hands of the governor his journal, and all the documents connected with his ineffectual attempt to run the line.

The queen died not long after her peremptory order, and on the accession of George I. he was so much occupied in providing for his Hanoverian followers, that the matter slumbered, and he troubled not himself with Virginia or Carolina, if, indeed, he knew enough of geography to be aware of their existence. The next notice we find of the subject is in a minute of the Carolina council of October 30, 1718. At that time, the governor laid before the Board "several papers, proposals, and instruments between himself and the Governor of Virginia, toward adjusting and determining the boundaries;" as well as "orders from the lords proprietors to settle the same agreeably to the proposals aforesaid." Frederick Jones, William Reed, and Richard Sanderson were, at the same meeting, appointed commissioners for Carolina; and they, together with the surveyor-general, were directed to commence their work on the 10th of May, 1719. The terms that had been agreed upon, at an interview between governors Eden and Spotswood, at Nansemond, were made in the spirit of compromise, and were these: "That from the mouth of Coratuck River or Inlet, and setting the compass on the north shore thereof, a due west line be run and fairly marked; and if it happen to cut Chowan River, between the mouths of Nottoway River and Wicocon Creek, then shall the same direct course be continued toward the mountains, and

[1] Chalmers' MSS.

be ever deemed the sole dividing line between Virginia and Carolina."

"That if the said line cuts Chowan River to the southward of Wicocon Creek, then, from the point of intersection, the bounds shall be allowed to continue up the middle of the said Chowan River, to the middle of the entrance into the said Wicocon Creek; and from thence a due west line shall divide the said two governments."

"That if a due west line shall be found to pass through islands, or to cut out small slips of land, which might much more conveniently be included in one province or the other, by natural water bounds; in such cases, the persons appointed for running the line shall have power to settle natural bounds, provided the commissioners of both sides agree thereto."

These terms were again agreed to by the lords proprietors in 1722; but as late as July, 1724, Virginia had not acted; nor was it until the 26th of March, 1729, that the king in council approved the terms and ordered the line to be run. Commissioners were then appointed on both sides: for Virginia, William Byrd, Richard Fitzwilliam, and William Dandridge; and for Carolina, Christopher Gale, John Lovick, Edward Moseley (surveyor-general), and William Little. The surveyors for Virginia were Alexander Irvin and William Mayo; the former of these was professor of mathematics in William and Mary College. Carolina sent as surveyors Edward Moseley and Samuel Swann; and the parties met on the 5th of March, 1728, at Currituck Inlet. The first named of the Virginia commissioners, Col. Byrd, has left an amusing account of the expedition, perfectly truthful in all that relates to the actual business of the commission in running the line, but in other respects not particularly complimentary to the Carolinians. It would, however, be unreasonable for the most sensitive State pride to be seriously angry with the evidently good-natured, warm-hearted, and jocular Virginia colonel, who, while he sometimes makes the reader laugh at his utterances, quite as often provokes a smile at himself. His clumsy and abortive attempts at humor, as remarkable for a want of refinement as for the absence of a quick and keen appreciation of the subtle essence of genuine humor, mingled with the self-complacent satisfaction that crops

out on every page, renders the author as amusing as his book. At the first glance it is seen that he never intended his journal for publication, and therefore writes with a careless *abandon*,—now seriously recording a fact, and now chuckling over a conceit that has crossed his mind, and, above all, presenting some little incident or laughable occurrence that, without such intention on his part, brings out the picture of the times, in habits, thought, and manner, more vividly than could be done by elaborate description. He must have been a warm-hearted, genial companion. Sometimes his amusement is to descant, not without fun-loving exaggeration, upon the thriftless poverty and unconquerable laziness of the Carolina borderer, who leans upon the fence to smoke his pipe, while his wife does all the work; when he very well knows that the last half-hour's work of the surveyors has but just transferred the tobacco-loving vagrant from what before was always deemed Virginia. He had too much solid, sound sense not to know that the borderers were the same people on both sides of the boundary, daily associating, and addicted to the same habits; and that in no such mixed community were men's morals and manners regulated by an imaginary line across the district. Sometimes, too, he laughs at the Virginians, and, like an idle urchin playing with his whip, cracks the lash with equal gusto on the right hand and the left. There is no malice in what he says; and to the *country* itself, as distinguished from these wretched inhabitants, of whose presence at that day there can be no doubt, he does ample justice. He depicts its resources in language as decided as it is just, and declares that there is no excuse for want or beggary, as there is no land which, to moderate industry, will yield a richer return. Indeed, so much was he pleased with it, that he made himself, by entry, proprietor of twenty thousand acres of land, lying on the borders of Virginia, and, as we believe, in our present counties of Caswell and Rockingham, and called it "the land of Eden." From Col. Byrd's journal, and that of the Carolina commissioners, in our Office of State, we get a very full and correct history of the running of our northern boundary line.

When the commissioners met, they were fortunately relieved, by the terms mutually agreed on, from the settlement of a very perplexing question, which had embarrassed all previous attempts

to run the line, and which was in truth the principal cause of all the delays which had impeded the business from the beginning. Governors Spotswood and Eden both saw this, and therefore, very wisely, removed the obstacle by an equitable compromise.

The line of the charter was directed to run from "the north end of Coratuck Inlet, due west, to Weyanoke Creek, lying within or about the degree of thirty-six and thirty minutes of northern latitude;" and the dispute had been as to the stream called Weyanoke Creek. The Virginians contended it was the same with Wicocon; the Carolinians affirmed it was Nottoway. The matter involved was too important to be hastily surrendered on either side, for there was a territory fifteen miles in breadth between the two localities.

One would naturally have supposed that as the latitude (36° 30′) was given, astronomical observation would soon have settled the point; and so thought Moseley when he was out as a commissioner in 1709. The Virginia commissioners then, by their instruments, made the mouth of the Nottoway River 37° north. Moseley insisted that there was an error of 30′ in the observation, arising either from defect in the instrument, or ignorance in those who used it. Of course, learned Virginia mathematicians knew more than a poor Carolina surveyor; and they would admit neither defect in the instrument nor incompetency in themselves. Moseley then resolved that he would not sacrifice Carolina's rights to their ignorance, and refused to run the line with them. Of course, he was abused, and represented to the crown as dishonestly obstructing the survey, to advance his own interests by entering lands in the disputed territory. The best answer to this is, that all he ever entered was undeniably in Carolina.

When the commissioners met in 1729, Moseley again was one of them, and now he had his triumph; for, on taking the latitude of the mouth of the Nottoway, it was found, by the observation of the Virginia gentlemen as well as of the Carolinians, to be in 36° 30′ 30″ north, thus showing it to be 30′ south of the point named by the former Virginia commissioners. Col. Byrd, in his journal, with manly frankness, says that Moseley was not "in the wrong to find fault with the quadrant produced by the surveyors of Virginia," as there "was an error of near thirty minutes, either

in the instrument or in those who made use of it." He further expresses his opinion that Nottoway was the stream formerly known as Weyanoke Creek, and that this last was its name when the charter was granted; as the Nottoway Indians never came to live upon it until *after* the date of that instrument; and it evidently derived the name of Nottoway from them.

We have no doubt that all this is true, and that, by the charter, our northern boundary should have run from Currituck Inlet to the mouth of the Nottoway; but, as an agreement had been made on the subject between the crown and lords proprietors, of course the commissioners adhered to that. Some difference of opinion arose in the outset as to where the dividing line should begin. This was finally adjusted, and the survey commenced. In that low, marshy country, where often the direct line went for miles through a quagmire, the expedition went straight forward, though sometimes with such difficulty that they did not advance more than three or four miles a day; and thus they continued bravely to go on until they reached the "Great Dismal Swamp." This was an obstacle which might well have appalled men of the stoutest hearts. The line was to cross it from east to west; the distance was of many miles, no one knew how many; it was seemingly one continuous quagmire; no human being was known to them or the neighboring inhabitants ever to have crossed it; none of those living near it had ever dared to enter it; the cattle that went in, sank and died in its mire; and what dangerous wild animals might be within, no one knew, for the boldest hunter had never ventured to follow them to their lair.

It was on the 14th of March they entered resolutely on the task of going in a direct line through the "Dismal." The party was composed of the surveyors, Irvin, Mayo, Moseley, and Swann, with twelve men to attend them. Food for eight days to each man, with the instruments and other necessaries of blankets, &c., were made up into parcels, thus giving to each man a load to carry of from sixty to seventy pounds. Beside carrying their burdens, the men would be required to clear the way for the surveyors, measure the distances, and mark the trees through every step of their wearisome progress in a bog of miles. Cheerfully, and with three huzzas, the party dashed in, and after one day's

hard work, found they had run a *mile and a half*, in every step of which they sank at least half leg deep in mire.

The commissioners, with the residue of the men, headed the swamp, and arriving on the western side after three or four days' travel, there anxiously awaited the arrival of the party in the swamp. They employed some of the men to patrol on the western edge, for a considerable distance both north and south, and to discharge their fire-arms at proper distances as a signal to those within. The 20th of March came, and still they had no tidings of the party in the swamp, and the commissioners began to feel uneasy lest their food should fail them before they could get through. It was the sixth day, and they knew that after the eighth they had no resource but in a dog that accompanied them. The 21st came, and still no news. On the 22d (the ninth day) the patrol returned from their examination, and brought no tidings of any response to their repeated signals. The commissioners were filled with anxiety and apprehension for the fate of the party. They knew that the food they took must be exhausted, and willingly would they have sent men from the western side with a fresh supply, had they but known to what spot to send them; but no one could tell on what point the line would come out of the swamp.

In the midst of their concern and distress, on the afternoon of the 22d, when they were fast yielding to despair, Mr. Swann, one of the Carolina surveyors, suddenly appeared among them, clothed in rags and covered with mud. He informed them of the terrible work through which the party had gone; and that, on the 21st, discovering that famine was before them, they, with one consent, determined to abandon the line, and, by the help of the compass, to steer due west for the highlands; hoping that it was not so distant but that they might be able to reach it before they perished of hunger. Early the next morning they commenced their march for life, and at night found that, with all their exertions, they had travelled four miles; and yet saw not the end of their toils, for they were yet within the swamp. Provisions now were all gone, and despair began to settle upon them, when, in the stillness of the night, some of the men heard the lowing of cattle and the barking of dogs. They were near the western border, and did not

know it. Cheered now by certainty, they could better endure hunger; and about ten o'clock in the forenoon of the 22d, the whole party had succeeded in floundering to the solid land. The first cry of all was for food; this was promptly supplied by the generous hospitality of Mr. Brinkley, a Carolinian, whose house was near; and, in the evening, the party joined the commissioners. These, probably, were the only human beings who have ever crossed the "Great Dismal" on a direct line from east to west, and the only ones who ever crossed it at all, if we except those who traversed it for twenty miles from south to north in laying out the canal which unites Albemarle Sound with the Chesapeake. This work was begun in 1787, under a joint charter from Virginia and Carolina, and was of such extraordinary difficulty that it has been completed only within a few years.

The surveyors reported that they had run and marked the line for ten miles, and supposed that the spot at which they stopped was five miles from the western border. The surveyors (Mayo and Swann) and the men, after three days' rest, entered the swamp again, on the western side, on Monday the 25th of March, and, following the path by which they had emerged, reached in the evening the point where they had discontinued their labors. Notwithstanding the fatigue and suffering of the men of the party, all but two very cheerfully obeyed the order to go back; and of these two, both were willing to go, but one was lame and the other sick, so the commissioners forbade their going. They seemed anxious to have it in their power to say they ran the line through the "Great Dismal:" to a woodman, this was glory. On the 29th, the surveying party came once more out of the swamp, having completed the line by compass, and found the whole width, where they had crossed it, to be fifteen miles. When the line was brought out on the western side, one important discovery was immediately made, to the great mortification of the Virginia gentlemen: it was, that nearly the whole of the territory which had been controverted was likely to be left in Carolina.

The survey was continued without any remarkable incident until the 5th of April, at which time the line had been run a distance of seventy-three miles and a fraction. The expedition then broke up for the season, with an agreement to meet at that spot

and resume their work on the 10th of the following September: this was subsequently altered, by agreement, to the 20th, when the parties met and recommenced the survey. This was continued by them, jointly, until the 5th of October, when the whole length run was about one hundred and seventy miles, and at least fifty miles west of the residence of any white inhabitant. Here the Carolina commissioners declined going further, and were joined in their purpose by Mr. Fitzwilliam, one of the Virginia commissioners. The reason assigned for it was, that, for a long time to come, it would not be necessary to ascertain the exact boundary further; and whenever it should be, as the real difficulties in the commencement had been overcome, common surveyors could, at much less expense, extend the line westward. This was embodied in a protest by the Carolina commissioners, against the legality of an extension of the line by the Virginia gentlemen without their cooperation; to which the Virginia commissioners (with the exception of Mr. Fitzwilliam) filed a counter-protest, and the parties separated. Colonel Byrd, with his surveyors, went on with the line until he had gone a distance from the beginning of two hundred and forty-one miles and a fraction, and about seventy-two miles beyond the point where the Carolina commissioners had left him. It was now the 26th of October, when he retraced his steps homeward.

The Rev. Peter Fontaine, jr., accompanied the Virginia commissioners as a chaplain; and in a letter from him to a relative, we find the accompanying rough sketch of the survey.[1]

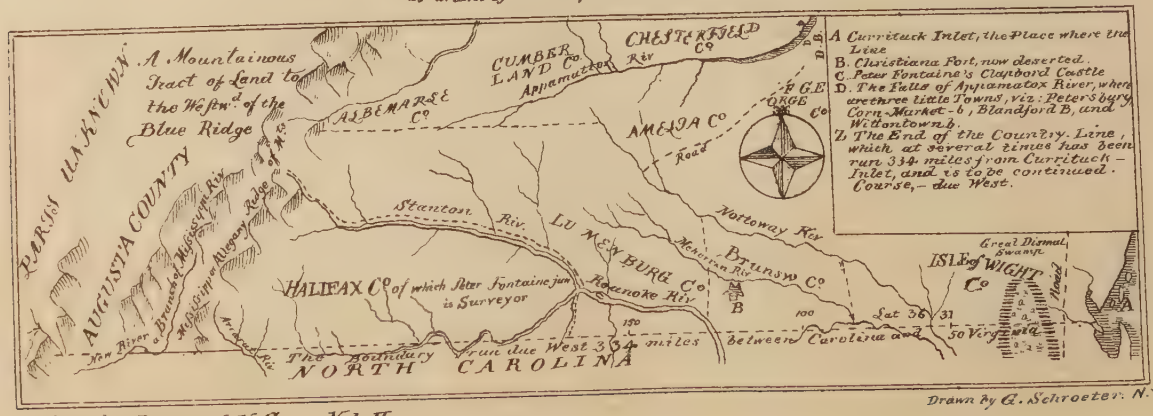
In concluding this department of our book, it only remains, very briefly, to present the reader with a mere summary of what was the condition of the State in respect to its settlements during the proprietary rule.

The first division of the country was into two counties: these were Albemarle and Clarendon. To these, Bath was afterward added; and Clarendon, in 1690, was abandoned, and ceased to have a government.

Albemarle contained six precincts: these were Currituck, Pasquotank, Perquimans, and Chowan, all lying north of the Sound,

[1] Memoirs of a Huguenot Family, p. 356.

Map
OF THE
VIRGINIA AND N. CAROLINA DIVIDING LINE
as drawn by the Chaplain Peter Fontaine jun.


A Currituck Inlet, the Place where the Line
B. Christiana Fort, now deserted.
C. Peter Fontaine's Clapboard Castle
D. The Falls of Appamatox River, where are three Little Towns, viz. Petersburg, Corn-Market - b, Blandford B, and Wilkinstown b.
Z. The End of the County Line, which at several times has been run 334 miles from Currituck Inlet, and is to be continued. Course, - due West.
A Mountainous Tract of Land to the Westd. of the Blue Ridge
PARTS UNKNOWN
AUGUSTA COUNTY
ALBEMARLE Co
CUMBERLAND Co
CHESTERFIELD Co
Appamattox Riv
AMELIA Co
GLOUCESTER Co
Road
Stanton Riv.
LUNENBURG Co
Meherrin Riv
BRUNSW Co
Nottoway Riv
HALIFAX Co of which Peter Fontaine jun is Surveyor
Roanoke Riv
New River
Great Dismal Swamp
ISLE of WIGHT Co
Lat 36
31
30 Virginia
between Carolina and
The Boundary run due West 334 miles
NORTH CAROLINA

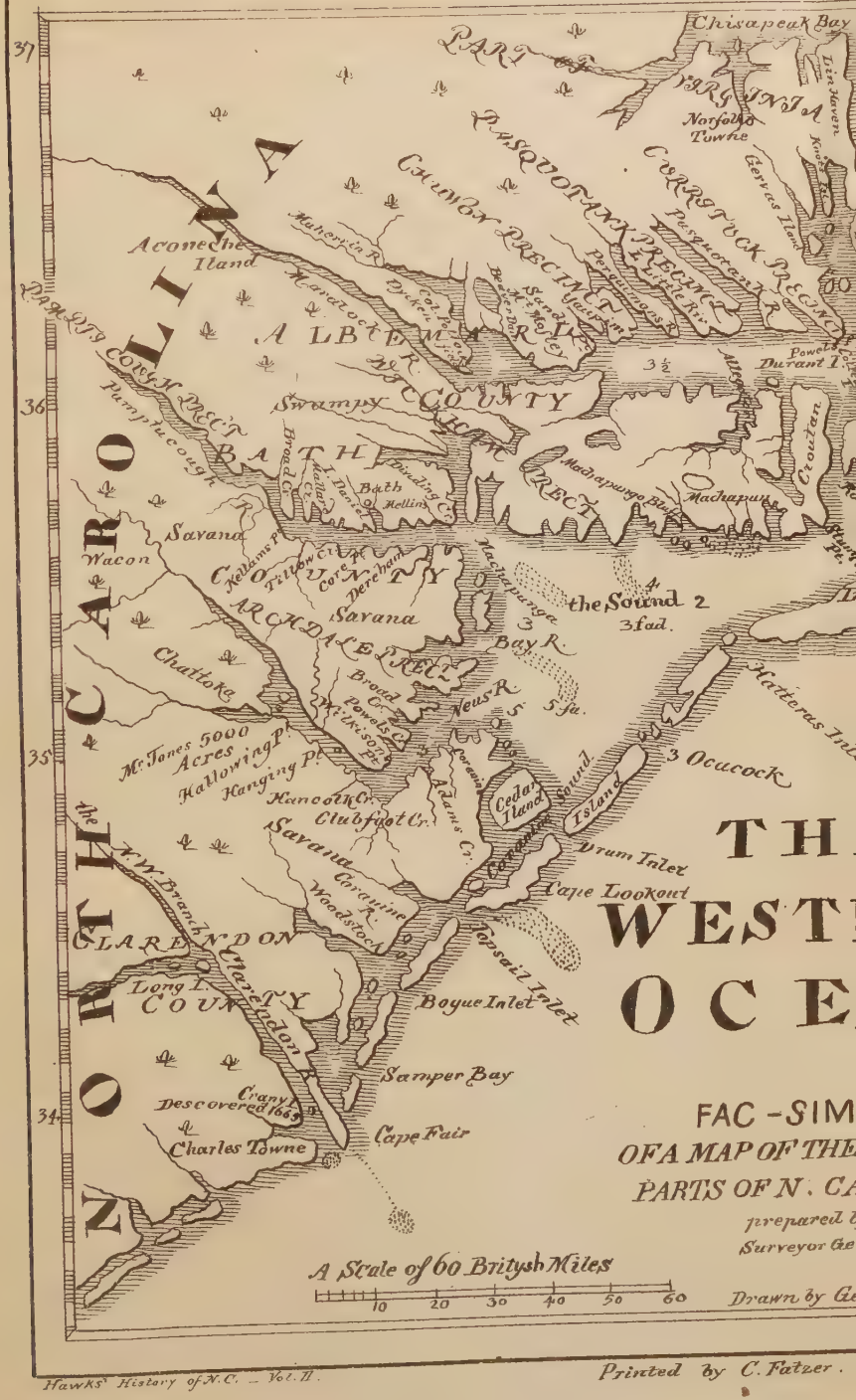
Drawn by C. Schroeter. N.Y.

Hawks' History of N.C. Vol. II.

and Bertie and Tyrrel. Its population in 1729 was about seven thousand.

Bath had four precincts: these were Beaufort, Hyde, Craven, and Carteret. The population in 1729 was about twenty-five hundred.

Clarendon, or rather what was Clarendon, had, as such, no precinct. Carteret precinct was made to extend to the Cape Fear; afterward, in the latter part of the proprietary rule, New Hanover was made a precinct on the Cape Fear, in consequence of settlers removing there, and left a large body of unoccupied land between it and the inhabited parts of Carteret: that land is now Onslow county. In 1729, the population of New Hanover did not exceed five hundred. The total population of the province was about ten thousand. There were five towns, all small and of little importance: Bath on Pamlico River, Newbern at the confluence of the Neuse and Trent, Edenton on the Chowan, Beaufort on Core Sound, and Brunswick on the Cape Fear, sixteen miles below the present town of Wilmington, which was laid off by Col. Maurice Moore in 1725. Of this last, nothing now remains but the walls of the old church and the grave-stones of the dead. Of these, Edenton was called "the metropolis." The legislature met here in the latter times of the proprietors. It contained forty or fifty houses, and brick chimneys were rare. Here also the general court held its semi-annual sessions. The court-house, according to Col. Byrd, had "much the air of a common tobacco-house;" and he adds his belief, that "this is the only *metropolis* in the Christian or Mahometan world where there is neither church, chapel, mosque, synagogue, or any other place of public worship of any sect or religion whatsoever." He should also have added, that though there was no house of worship, yet divine service was frequently held there during the last years of the proprietary government; but this would have been to exhibit too great an act of self-denial on the part of the worthy old Virginian, in the loss of an opportunity to indulge in a good-natured, and not undeserved, laugh at the Carolinians, and their ambitious "metropolis."



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CHAPTER SECOND.

THE LAW AND ITS ADMINISTRATION.

1663—1729.

PRELIMINARY DOCUMENTS TO CHAPTER SECOND.

SUBJECT:

THE LAW AND ITS ADMINISTRATION.

1. Synopsis of the two Charters.
2. Great Deed of Grant.
3. Illustrative Extracts from the Records of the General Court.
4. The Court of Oyer and Terminer.
5. The Court of Chancery.
6. Commission of Justices of the Peace.
7. List of Chief-Justices and Attorneys General.

No. I.

Synopsis of the two Charters granted by King Charles II. to the Lords Proprietors of Carolina.

[These documents are so easily accessible in other publications, that it was thought best not to encumber the volume by a reprint of them in full. They may both be found in the second volume of the "Revised Statutes of North Carolina," printed in 1837; and in the first volume of "The Statutes at large of South Carolina," published under the authority of the legislature of that State in 1836.]

First Charter, March 20, 1662–3.

§ 1. The proprietors therein named having besought K. Charles II. for leave to make a colony in America, on lands not yet cultivated or planted;

§ 2. The king grants to them all that territory in America from 31 to 36 degrees, N. latitude, and extending westward as far as the South Sea [Pacific].

§ 3. Grants church patronage, jurisdiction, privileges, prerogatives, royalties, liberties, immunities, and franchises of what kind soever, in the territory granted.

§ 4. To use and enjoy the same in as ample manner as the Bishop of Durham exercises and enjoys his rights: and creating them lords proprietors, to hold in free and common soccage.

§ 5. Territory thus granted erected into a province, and called *Carolina*. Power granted to proprietors to enact laws according to their best discretion, "of and with the advice, assent, and approbation of the free men of the said province, or of the greater part of them, or of their delegates or deputies;" whom the proprietors shall from time to time assemble for that purpose. Power to appoint judges, justices, magistrates, and officers to execute the laws.

§ 6. Until assemblies of freeholders can convene, lords proprietors authorized to make orders and ordinances to be

Second Charter, June 30, 1665.

§ 1. Recites the former charter and the names of the proprietors to whom was granted all that territory, which, *in this section, it calls* Carolina.

§ 2. Enlarges the bounds of the grant; includes *all between* 29° *and* 36° 30′ *N. latitude*, extending westward to the South Sea.

§ 3. *The same.*

§ 4. Makes the increase of territory (under § 2 above) a part of *Carolina*. Power to "*make several counties, baronies, and colonies, of and within the territories granted by both charters, with several and distinct jurisdictions, powers, liberties, and privileges.*" Power to *establish courts*, and appoint judges, justices, magistrates, and officers to execute the laws.

§ 5. *The same.*

First Charter.	*Second Charter.*
obeyed as laws: such orders, &c., to be reasonable, and, as near as may be, agreeable to the laws of England.	
§ 7. License given to the king's liege people to transport themselves to the province: to continue to be of the king's allegiance, and themselves and their children to remain in the rights of subjects of England.	§§ 6 and 7. *The same.*
§ 8. License granted to trade, to freight to every port, and transport goods, wares, and merchandise, saving to the king his customs and duties. Might also, under certain circumstances, ship to *foreign* friendly ports.	§ 8 and part of § 9. *Substantially the same*
§ 9. Sundry enumerated articles may be imported or exported duty free; viz., silks, wines, currants, raisins, capers, wax, almonds, oil, and olives.	§ 9. *The same.*
§ 10. Seaports and harbors may be constituted.	§ 10. *The same.*
§ 11. Subsidies and customs on ports and harbors to be enjoyed by the lords proprietors.	§ 11. *The same.*
§ 12. The lords proprietors may grant the premises in fee simple, fee tail, for life, or for years, to any person or persons, to be held of the proprietors: the statute of *quia emptores*, or any other law, to the contrary notwithstanding.	§ 12. *The same.*
§ 13. Lords proprietors may confer any titles of honor, provided they be not such as are used in England.	§ 13. *The same.*
§ 14. Power granted to lords proprietors to erect forts, castles, cities, towns, fortifications, &c.	§ 14. *The same.*
§ 15. Power given to levy, muster, and train men, and to make war, by sea and land.	§ 15. *The same.*
§ 16. Power given to declare martial law, in case of rebellion, tumult, or sedition.	§ 16. *The same.*
§ 17. The inhabitants of Carolina not to be reputed a part of any other colony in America, nor to be subject to its government in any thing; but to be absolutely separate, and subject immediately to the crown of England only, and not to be answerable in any suit or complaint	§ 17. *The same.*

First Charter.

out of the province, except in England only.

§ 18. The lords proprietors empowered to grant liberty of conscience; but persons thus indulged are to declare all fidelity, loyalty, and obedience to the king; and not disturb the peace and safety of the province in matters civil or ecclesiastical; nor reproach the liturgy or forms of the Church of England, or any one using them.

§ 19. In cases of doubt, that interpretation to be given to the charter which will be most favorable to the lords proprietors.

Second Charter.

§ 18. The first part in the same words. The last clause declares that no person shall be in any way molested for difference of opinion or practice in matters of religion who does not actually disturb the civil peace of the colony; but may at all times quietly enjoy his judgment and conscience in matters of religion, he behaving peaceably and not using his liberty to licentiousness, nor to the civil injury or outward disturbance of others.

§ 19. *The same.*

No. II.

GREAT DEED OF GRANT.

George, duke of Albemarle, master of his majesty's horse; Edward, earl of Clarendon; William, earl of Craven; John, Lord Berkeley; Anthony, Lord Ashley, chancellor of the exchequer; Sir George Carteret, vice-chamberlain of his majesty's household; Sir William Berkeley, knight; and Sir John Colleton, baronet; the true and absolute lords proprietors of all the province of Carolina.

To our trusty and well-beloved Samuel Stephens, Esq., governor of our county of Albemarle, and the isles and islets within ten leagues thereof; and to our trusty and well-beloved councillors and assistants to our said governor: Greeting.

Whereas we have received a petition from the grand assembly of our county of Albemarle, praying that the inhabitants of the said county may hold their lands upon the same terms and conditions that the inhabitants of Virginia hold theirs; and forasmuch as the said county doth border upon Virginia, and is much of the same nature, We are content and do grant, that the inhabitants of the said county do hold their lands of us, the lords proprietors, upon the same terms and conditions that the inhabitants of Virginia hold theirs: *Wherefore*, be it known unto all men, by these presents, That we, the said lords and absolute proprietors of the county within the province aforesaid, have given, granted, and by these presents do give and grant, full power and authority unto you, the said governor, by and with the consent of our council, or the major part thereof, or to any governor for the time being, or that shall hereafter be by us appointed, full power and authority, by and with the consent of our council then being, or the major part thereof, to convey and grant such proportions of land, as, by our instructions and concessions, annexed to our commission, bearing date in October, Anno Dom. 1667, we have appointed, to such persons as shall come into our said county to plant or inhabit; to be held of us, our heirs and assigns, upon the same terms and conditions that land is at present usually granted in Virginia; any thing in our instructions and concessions aforesaid to the contrary, notwithstanding: And we do hereby declare and consent, that the warrant to the surveyor for the laying out of said land, and the return thereon, being registered, and also the grant of you our said governor and council, that shall be where such land is due, having the seal

of the country affixed to it, and signed by yourself, and major part of our council for the time being, being registered, shall be good and effectual in law, for the enjoyment of the said land or plantation, and all the benefits and profits of, and in the same (except one half of all gold and silver mines), to the party to whom it is granted, his heirs and assigns, forever, he or they performing the conditions aforesaid.

Given under our hands, and great seal of our province, the first of May, Anno Dom. 1668.

Albemarle,	Craven,
Berkeley,	Ashley,
Carteret,	Colleton.

No. III.

[That the reader may form for himself an opinion as to the state of society during the rule of the lords proprietors, as well as deduce, from the original documents, an idea of matters connected with the jurisprudence of the country, we here subjoin extracts, under various heads, from the records of judicial proceedings that have come to our hands, as the most authentic memorials of long-buried times, whereof there is no longer a living remembrancer. Curious as some of them are to the mere antiquary, a more abiding interest will belong to them in the mind of the Carolinian, who remembers as he reads, that he is, as it were, living and moving among his own forefathers.]

From the Records of the General Court.

Attorneys of the Court.

1695.—Ordered that the marshal take into custody Stephen Manwaring, and him safely keep, until he shall find surety for his appearance the second day of the next general court, to answer for his contemptuous and insolent behavior before the court, and to be of good abearance in the mean time.

Whereas, it appears unto this court that Stephen Manwaring hath been a juryman in the precinct court of Perquimmons, in a cause wherein he was before retained as an attorney: ordered that the said Stephen Manwaring be not suffered to plead as an attorney in any court in this government.

Upon the humble petition of Stephen Manwaring, praying that he may

have until the fifth day of the next general court to make proof that he informed the court of his being of council in the above-mentioned cause before he was sworn of the jury; the above order is suspended until the fifth day of the next general court, that the said Stephen Manwaring may make proof of his above-mentioned assertion.

1697.—Whereas, at a general court, holden the 26th day of February, 1695, Stephen Manwaring was, by order of the said court, disabled from pleading as an attorney in any court of record in this government; which order was suspended upon the petition of said Manwaring, and day given him to the then next general court to clear himself from the information then brought against him; which he, the said Manwaring, not having done, the said order passed against him is hereby revived and confirmed. And it is hereby ordered that the said Stephen Manwaring shall not be from henceforth permitted to plead as an attorney in any court of record in this government.

1695.—Whereas, Col. Wm. Wilkison and Capt. Henderson Walker have offered sundry affronts to the members of this court; ordered that neither the said Col. Wm. Wilkison, nor the said Henderson Walker from henceforth be allowed to plead as attorneys in this court in any person's cause, except in the cause of such persons as have not their residence in this government.

Col. William Wilkison comes abruptly into the room where the Hon. Thomas Harvey, Esq., deputy-governor and council were, and there using some violent discourse, was desired to give some of the council liberty to speak, and replied, "I have given you all too much liberty, and especially to you,"—directing his speech to the Hon. Daniel Akehurst.

Summary Proceeding for a False Accusation.

1697.—Francis Johnson, bound over to prosecute his information against William Steele, William Lee, and John Spelman for their contemning the Right Hon. the governor's warrant, comes and makes no proof of his said information; therefore, the said William Steele, William Lee, and John Spelman upon their petition are discharged. And proof being made to the hon. court that the said Francis Johnson had broken open and concealed a letter directed to the Right Hon. John Archdale, Esq., governor, sent by the said William Steele, wherein he did show cause for, and humbly excuse his not appearing to answer upon the aforementioned warrant:

Ordered that the said Francis Johnson be punished by receiving thirty-nine stripes on his bare back, well laid on, during the court sitting.

Proceedings on an "Information" against a Militia-man.

1714.—Daniel Richardson, Esq., attorney-general, comes to prosecute an information against Moses Oliver, and saith that he, the said Moses, being a military soldier under the command of Captain Henry Bonner, on or about the 16th of August, 1714, was warned and lawfully summoned by the said Captain Bonner to appear at the town old-field, with well-fixed arms, and prepared to march out against the Indians; did refuse to go, in contempt of the laws of this province; and did, at the same time, utter and speak wicked and seditious words, viz.: "By G–d, he would not go, and that he would withstand the power," or words of that import: which actings are against the peace of our sovereign lady, the queen, and against the laws in the said case, made and provided. And the said Moses Oliver, in person came, and confessed to the said information. Ordered that he be publicly whipped, by receiving twenty lashes on his bare back; and that he give security for his good behavior till the next general court, and his appearance at the same.

Abatement of a Suit by Reason of the Plaintiff's Outlawry.

1722.—And now here at this day, came the said Robert Peyton, by Daniel Richardson his attorney, to prosecute his suit against Thomas Swann, for speaking and uttering divers false and scandalous words (to wit), that he, meaning the said Robert Peyton, and speaking of him as he had served as foreman of a jury in Curratuck, "*was forsworn, and made the rest of the jury forswear themselves;*" from which said false and scandalous words, the said Peyton saith he hath damage to the sum of £100, and therefore brings this suit, &c.

And the said Thomas Swann, in his own proper person [he was one of the attorneys of the province] comes and defends the force and injury, &c., and for plea says, that the said Peyton, his action aforesaid, against him the said Swann, ought not to have and maintain; and for proof thereof, produces here in court a certificate under the colony seal of his majesty's dominion of Virginia, whereby the said Peyton appears to be outlawed by the general court of the said province. Whereupon the plaintiff prays leave to discontinue his suit. Wherefore it is considered that the said Peyton may

go from hence in mercy, and the said Swann may go without day. And that the said Peyton pay costs—*alias* [used probably for *aliter*] execution.

[It is here observable that the court in Carolina seems to have given "full faith and credit" to the Virginia record under the colony seal.]

PROCEEDINGS IN THE GENERAL COURT ON A WRIT OF ERROR.

1723.—John Gray, of Bertie precinct, gentleman, comes to prosecute his appeal from certain proceedings had against him at the Precinct Court of Bertie, on Tuesday the 14th day of May, Anno Domini 1723, at the suit of John Cotton, Esq.

And the said John Gray, by Edward Moseley his attorney, brings into court here a copy of the record and proceedings of the said court, in these words, viz.:

At a court held for the said precinct, at the house of Mr. James Howard, at Akotsky, on Tuesday the 14th of May, 1723:

PRESENT, His Majesty's Justices.

GEORGE, by the grace of God, King of Great Britain, etc.

To the Provost-Marshal or Deputy, greeting:

We command you to attach the body of John Gray, gent., if he be found in this precinct, so as to have him before our justices at our next court, to be holden for the said precinct on the second Tuesday in May next; then and there to answer unto John Cotton, Esq., in an action of *detinue:* damage forty pounds. Herein fail not, and have you there this writ.

Dated at the clerk's office, this 20th day of February, 1723.

R. FOSTER, Clerk of the Court.

Executed by T. Squires, Deputy Marshal.

Declaration.

John Cotton, Esq., complains against John Gray, gent., in custody, etc., of a plea that he, the said defendant, render unto him, the said plaintiff, one patent for six hundred and forty acres of ground, situate, lying, and being in the precinct of Chowan, dated the 30th day of March, one thousand seven hundred and twenty-two, at the precinct of Bertie aforesaid, whereof the said defendant now and hitherto is possessed, and doth keep the said patent. Nevertheless the said defendant, although he well knew the said patent to be the plaintiff's proper patent, and by the plaintiff hath been often

requested to deliver the same, would not deliver the said patent, but always hath denied, and still doth deny, to deliver it to the plaintiff, to his damage forty pounds, and therefore he brings suit.

THOMAS HENNEMAN, pro pl'ff.

Endorsed.—"I do not detain the patent.—JOHN GRAY."

GEORGE, by the grace of God, King of Great Britain, etc.

To the Provost-Marshal of Albemarle county, or Deputy.

We command you to summon George Wynn, personally to be and appear before our justices at our court, to be held for Bertie precinct, on the second Tuesday in May next, then and there to testify the truth, according to his knowledge, in a certain cause now depending, and then and there to be tried, between John Cotton, Esq., plaintiff, and John Gray, gent., defendant: on the part of the plaintiff, *sub-pœna* one hundred pounds.

Dated, &c., 19th of February, 1723.

In the action of detinue brought by John Cotton, plaintiff, against John Gray, defendant, for forty pounds damage for detaining a patent belonging to the plaintiff, as by the said declaration is set forth, to which declaration the defendant pleads *non detinet*, which issue the plaintiff joined; whereupon a jury was impannelled and sworn to try the same, viz., John Spier, William Pagett, &c., &c., who, after hearing the evidence and arguments on both sides, withdrew, and in a short time after came again into court, and returned their verdict in these words, viz.: "We of the jury find for the plaintiff twenty shillings damages, with costs,—John Spier, foreman;" which verdict, on the plaintiff's motion, is ordered to be recorded, and is recorded. Whereupon the defendant prayed an appeal from the said judgment, which is granted, he giving security as the law directs; and security was accordingly given. And now the defendant, John Gray, saith that in the record and process aforesaid, &c., it is manifestly erred.

First in this, that is to say, because it doth not appear in the said John Cotton's declaration, that he, the said John Cotton, or his ancestors, were ever possessed of the said patent in the said declaration specified.

Secondly, in this also it is erred: because the said verdict is defective and insufficient, not finding any thing certain.

Thirdly, in this also it is erred: because the jury have not found in their verdict, the value of the thing supposed to be detained.

Fourthly, in this also it is erred: because in the record of the proceedings, it is stated that the defendant prayed "an appeal from the said judgment, which is granted," when by the same record no judgment appears to have been given or entered.

And for these causes and others in the said record, the judgment given in the same cause (if any) against the said John Gray; and all thereupon depending, in form aforesaid exhibited, is not sufficient in law: and prayeth that the said judgment (if any be given), for the errors aforesaid, and others in the record and process aforesaid, be reversed, annulled, and utterly holden for none; and that he, unto all which, by occasion of the same judgment (if any be given) he lost, he be restored, &c.

And the said John Cotton, by Thomas Henneman his attorney appeared, and the record and proceedings aforesaid being seen, and the errors argued, and by the court here diligently examined and fully understood; it seemed to the court here that there is manifest error in the same.

Wherefore it is considered and ordered that the said John Gray be restored to all, that by means of the said proceedings in the said court against him, he hath lost; and that the said proceedings be reversed and annulled, and that the said John Cotton pay costs, *alias* [*aliter?*] execution.

[We have presented the *whole* record of the general court in this case, that the reader might see the forms of writ and subpœna in use, as set forth in the record from the precinct court. It furnishes also, incidentally, evidence that the practice of the day seems to have been, in the precinct court, to endorse the pleas on the declaration. It illustrates, also, the formality with which the minutes of proceedings were kept in the general court. There are numerous other cases to be found, more full even than this, and where the errors assigned involved some interesting and really doubtful points of law; but we selected this, as being one of the shortest, and yet sufficient for all purposes of illustration. We now turn to the records of the criminal tribunal.]

No. IV.

From the Records of the General Court of Oyer and Terminer.

Indictment for Witchcraft.

1697.—The jurors for our sovereign lady, the queen, present upon their oaths that Susannah Evans of the precinct of Curratuck in the county of Albemarle, in the aforesaid province, not having the fear of God before her eyes, but being led by the instigation of the devil, did, on or about the twenty-fifth day of July last past, the body of Deborah Bourthier, being then

in the peace of our sovereign lady the queen, devilishly and maliciously bewitch, and by assistance of the devil, afflict, with mortal pains, the body of the said Deborah Bourthier, whereby the said Deborah departed this life. And also did diabolically and maliciously bewitch several other of her majesty's liege subjects, against the peace of our said sovereign lady the queen, and against the form of the statute in that case made and provided, &c.

PLATER, pro Domina Regina.

[Witchcraft was specially named among the enumerated offences in the commission granted to justices of the peace, into which they were to inquire, and over which they had jurisdiction. Of the reality of the crime, no doubt, at one time, seems to have been entertained, either in Europe or America. New England has furnished a bloody picture, in the narrative of her judicial proceedings, against so-called witches. Massachusetts and Connecticut both were frightened into cruelty by this diabolical insanity; and in the former province, many a poor victim was sent to the grave by the mad ravings and incredible lies of howling fanatics, urged on by the two Mathers, father and son, to whom may justly be charged a very large share of these atrocious murders. There was, at this period, established communication between New England and the southern provinces of Virginia and Carolina. The small craft of the northern resident regularly came to gather up and take away the products of Albemarle; and it is altogether probable that to this intercourse Carolina was indebted for this effort to force her on the track of blood, in the punishment of reputed witches. God be thanked, the effort was in vain. If Carolina was ungodly, she yet had religion enough to shrink from the *pious* enormities to which the example of the *more enlightened* northern Christian thus invited her. The grand jury, with equal humanity and common sense, returned the bill of which we have given a copy, "*Ignoramus*." We can find no record of any other case of the kind in the province. We believe no witches were ever tried and tortured to death in Carolina. Lawson, indeed (whose book was written, as we think, about 1708, and published in 1714, three years after he was dead), states that the only capital punishments he had heard of as ever inflicted in the province, were of a Turk for murder, and an old woman for witchcraft. These, he adds, were "acted many years before I knew the place."[1] He spoke from the relation of others, and we are inclined to think that, like most hearsay evidence, it is not to be relied on. We have the records of the criminal court from quite an early period, and all our research has brought to light no prosecution attempted for witchcraft, except that already given to the reader. There were

[1] Lawson's North Carolina, p. 167.

some persons punished in Virginia, as witches, at an early period after Carolina was settled; and inhabitants of the province who came, as most of them did, from Virginia, might speak of these, without being particular in mentioning the locality, thus leaving the impression that the transaction was in Carolina.]

ORDER FOR ARREST ON PRESENTMENT, BEFORE A BILL WAS FOUND.

1716.—Ordered, that a venire do go out against Edward Bonney, to answer the presentment of the grand jury, for leaving his wife in Virginia, and keeping a whore in this government.

INDICTMENT FOR PROFANITY.

1720.—The grand jury present John Hassell, of Chowan precinct, for speaking profane and irreverent words, to the great scandal of the Christian religion, and to the dishonor of Almighty God himself—(to wit), on March 13th, 1718.

The jurors for our lord the king present, that on the 13th day of March, 1718, being Sunday, at Chowan precinct, in the province aforesaid, John Hassell, having not the fear of God before his eyes, but by the instigation of the devil, and against the peace of our sovereign lord the king, divers and sundry profane and irreverent words and speeches, to the dishonor of God Almighty himself and his attributes, and against the Holy Writ, profession, and religion, now adored and professed by authority in his majesty of Great Britain's dominions, to the discouraging and subverting of all the faithful and true believers and professors of the Protestant Church and religion, now by law established and confirmed, did utter, speak forth, and give out, viz.: "That he was never beholden to God Almighty for any thing; for that he never had any thing from him but what he worked for;" and further, being asked by one Richard Batchelor how he liked the sermons he had heard that day, answered, "What good did it do him? If he thought he" (meaning the man who preached) "had come to save his soul out of hell, he would go a hundred miles to destroy him. He had never been beholden to God for any thing. If an angel should come down from heaven and tell him face to face, that he should die and be damned to all eternity, he would not forbear swearing sometimes;"—which are against the peace of our sovereign lord, the king that now is, his royal crown and dignity, and against the law now in force, both of God and man, &c.

DANIEL RICHARDSON, *Attorney-general.*

To which indictment John Hassell pleads *not guilty.*

1721.—Daniel Richardson, Esq., attorney-general, comes to prosecute an indictment found by the grand jury, last court, against John Hassell, in these words, to wit [indictment set forth]; to which indictment he there pleaded *not guilty.* It is commanded the marshal that he cause twelve good and lawful men, &c., by whom, &c., who neither, &c. And there came Henry Bonner [&c., &c.], who being sworn, say: "We of the jury find the within mentioned John Hassell *guilty.*"

The defendant, by his attorney, moved an arrest of judgment, upon which it is considered by the court that he file his reasons for the same by to-morrow morning, eight o'clock; and that they be pleaded to in the afternoon: but this same not being according to the orders of this court, the cause is left till the next.

1722.—John Hassell, bound by recognizance to appear at this court upon his conviction for scandalous words, &c.; and having assigned these following reasons in arrest of judgment, viz.: That the words laid in the indictment, and supposed to be spoken by the said John, were not prosecuted within six months after the speaking the said words, according to the act of limitation; nor was it prosecuted within the space of ten days, according to the form and effect of an act for observing the Lord's day, and for the suppressing of immorality, and the profanation of God's name and word, &c.; for which manifest error, the said John prays that the aforesaid indictment and verdict may be quashed, and may be set aside, &c. Which reasons being overruled, the court passed the following sentence, viz.:

That he, the said John Hassell, should receive thirty-nine lashes on his bare back, and that he should give security in the sum of fifty pounds for his good behavior a year and a day, and remain in the marshal's custody until he do give such security.

Interference of Governor and Council in ordering a Nol. Pros.

1721.—William Alexander, being called to answer an indictment found against him by the grand jury, appeared, and exhibited into court a petition and order of council in these words:

At a council held at the house of William Badham, March the 30th, 1721.

Present, The Hon. Charles Eden, Esq., governor [and the councillors by name].

Read the petition of William Alexander, setting forth that he, being a person very ignorant in any legal proceeding, through the over-persuasion of Mrs. Damaris Sanderson, deceased, he undertook to write the will of Richard Sanderson, husband to the said Damaris, now deceased also: and, being ignorant of the consequences of such matters, did, by her order, put several things into the will, without any orders from the said Richard Sanderson, not then considering but that her orders were sufficient for his so doing. But upon the will being disputed, and being thoroughly informed of the injuries that might ensue, by the will's taking place, contrary to the mind of the testator, did voluntarily, upon oath, before the honorable the governor and Col. Thomas Pollock, declare every thing he knew of that matter, who encouraged him thereto, and were well satisfied with such his proceedings, having entirely prevented any damage that the said will might make. Notwithstanding which, in July general court your petitioner was presented by the grand jury for forgery, and he is under prosecution for the same. The premises considered, and since his honor the governor very well knows the truth of what the petition sets forth, and that the petitioner would not have been prosecuted had it not been by the petitioner's own confession, he humbly hopes your honor will consider the same, and grant him a *nolle prosequi* for the offence aforesaid, so ignorantly committed, and your honor's humble petitioner shall forever pray, &c.

And the board, taking the same into their serious consideration, are of opinion that what the said Alexander did, in relation to the will aforesaid, was entirely through ignorance, and that he is deserving of compassion and mercy.

It is therefore ordered that the attorney-general do enter a *nolle prosequi* in behalf of the petitioner; and that the petitioner wait on the chief-justice and attorney-general with this order.

J. Lovick, *Secretary.*

Upon which the attorney-general moved that a *nolle prosequi* might be entered. But the court take time till the next term to advise whether it may be granted or not.

[What the result of the *advisari* was, we have not been able to discover. But, in another case of interference by the governor with the duties of the court, the latter seem to have rendered a prompt obedience. It is probable, however, that, in this latter case, political causes may not have been without their influence.]

1729.—William Little, Esq., attorney-general, comes to prosecute the bill of indictment found by the grand jury aforesaid against James Breman, in these words, viz. :

[Indictment for forcible entry, trespass, and assault.]

And on the motion of the said attorney-general, it was then and there by the court considered and ordered, that he be taken into custody of the provost marshal and brought before the court, which was accordingly done: and the said James Breman acknowledged himself indebted to our sovereign lord the king, his heirs and successors, in the sum of £100, and Mr. Edmund Porter and Mr. Harding Jones in the sum of £50 each, to be levied on their goods and chattels, lands and tenements, &c.: With condition that the said James Breman shall personally be and appear at the next court to be held for this government, at Edenton, on the last Tuesday in July next, then and there to answer the said indictment, and in the mean time that he be of his good behavior: then this recognizance to be void; else, to remain of full force, &c.

Whereupon Richard Everard, Esq. [the son of the governor], came into court, and delivered to the court here a certain writing in these words, viz.:

"North Carolina, *sc.*: Sir Richard Everard, baronet, governor, captain-general, admiral, and commander-in-chief, to Christopher Gale, Esq., chief-justice, and his assistants, and to William Little, Esq., attorney-general, Greeting:

"Whereas a certain bill of indictment was preferred and found by the grand jury of this present court against James Breman of Edenton, merchant, for breaking open the window of one Robert Pearce, and then and there assaulting the said Robert Pearce, and being that I am fully assured and satisfied that the said indictment was grounded upon the malice of the said Robert Pearce, and by the instigation of William Badham, alias Hammon, clerk of the general court, and that the said James Breman did no ways assault, strike, or any other ways hurt the said Robert Pearce; and the said window was open before the said James Breman came to it, and he did not, by any act whatsoever, break or disturb the peace of our sovereign lord the king; these are, therefore, to command you, the said Christopher Gale, &c., to enter a *nolle prosequi* on the said indictment.

"Given under my hand and seal this first day of April, in the second year of his majesty King George II., Anno Domini 1729.

"Richard Everard. [L. S.]"

Wherefore it is considered by the court here, by and with the consent of the attorney-general, that the said James Breman be thereof dismissed,

and may go thereof without day; *it being the governor's order.* And it was then and there ordered that the said command should be entered as aforesaid.

THE GOVERNOR'S INTERFERENCE WITH THE EXECUTION OF A MURDERER.

1729.—The court having received from the honorable the governor, by the hands of Richard Everard, Esq., his son, the following paper, viz.:

"NORTH CAROLINA, *sc.*: To Christopher Gale, Esq., chief-justice, and to the rest of the assistant justices.

"I received a certificate yesterday, signed by the chief-justice, in which it is signified to me that one Solomon Smith, of Bertie precinct, laborer, stands condemned by this sessions, for the murder of William Coyne, for which the sentence of the said court was for him to be hanged. As the life of a man is a thing of a tender nature, I am at a loss to judge if the chief-justice means hanging until he is dead, or whether it is by the neck, leg, or arm, for I must not guess at his meaning. Besides, I must tell you, gentlemen, as the man was tried and condemned on the twenty-ninth of the last month, and the court was composed of officers not duly qualified to open such court, that all proceedings therein are extra-judicial and erroneous; therefore, I cannot, without injury to my conscience, sign such a death-warrant for the execution of the unhappy prisoner till a trial *de novo*, and the court composed of officers duly qualified, and those of my appointment.

"Given under my hand this first day of April, one thousand seven hundred and twenty-nine.

(Signed) RICHARD EVERARD."

It was considered by the court that the blood of an innocent person, barbarously shed, was of too great and serious consequence to be turned into ridicule, as it appears to be by the foregoing paper or letter to this court. Whereupon the court came to a resolution to certify the same again to the honorable the governor, which was done in these words, viz.:

NORTH CAROLINA, *sc.*—GENERAL COURT: April the second, one thousand seven hundred and twenty-nine, by the chief-justice and members of the general court.

That innocent blood may not lie at our door, we think it our duty once more to certify to your honor, that Solomon Smith, now prisoner in the jail at Edenton, has been this sessions legally convicted of the murder of Wil-

liam Coyne, and that sentence of death was, on the twenty-ninth of March, passed and pronounced upon him in open court in these words, viz.: "That he should return to the place whence he came, and from thence to the place of execution, and there to be hanged by the neck till his body was dead." It appears to us to be a very foul murder. Directed to the Hon. Sir Richard Everard, governor, &c., and signed Christopher Gale, Thos. Luton, Thos. Lovick, and Henry Bonner.

Effect of a General Pardon, after the plea of Not Guilty, and before Trial.

1729.—And now here at this day, viz., &c., came the aforesaid George Allen [the party indicted], and moved for trial, and likewise the attorney-general on behalf of our sovereign lord the king; but the court being given to understand that his majesty's most gracious general pardon was since the offence committed, and since the indictment aforesaid, are of the opinion, that the said offence is thereby pardoned, and that the prosecution aforesaid cannot be proceeded in, according to *Fawcett's* case, 2 *Croke*, 148, and do therefore order that all further proceedings thereon be stayed, and the said George Allen discharged, paying costs.

[In the proceedings of two special sessions of the court of Oyer and Terminer, we are furnished with an insight into the mode of dealing with the natives, in criminal proceedings.]

Criminal Charges against Indians.

1722.—The order of council requiring the chief-justice to call this court, for the trial of one John Cope, a Christian Indian man, for feloniously breaking into the lodging-room of the Hon. Thomas Pollock, Esq., president, being read in these words, viz.:

North Carolina, *sc.*: At a council held at the Hon. the President's house, August 8th, 1722, the Hon. the President having informed this board that an Indian, named John Cope, belonging to King Blount's town, did on Saturday the fourth past, in the night, feloniously break into his lodging-room; which this board having considered thereof, do hereby order that the chief-justice do, on Tuesday, being the 14th instant, call a special court of Oyer and Terminer, for the trial of the said Indian; and that a copy of

this order, signed by the president, under the colony seal, and countersigned by the secretary, shall be a sufficient authority to the said chief-justice for his holding the said court.

Then the following persons were impannelled and sworn upon the grand jury, viz.: Major Thomas Luton, foreman, Col. Robert West, &c., &c., who, being charged with the fact committed, as in the order aforesaid, for their inquiry, withdrew, and upon their return made presentment of the following bill, viz.:

North Carolina, *sc.*: To the Hon. Christopher Gale, Esq., chief-justice, and the rest of the justices for holding a special court of Oyer and Terminer for this province.

The jurors for our sovereign lord the king, that now are upon their oaths, present that John Cope, a Christian Indian, belonging to King Blount's town, in this province, the fourth of this instant August, by force and arms, burglary did commit, by feloniously and burglariously breaking and entering into the mansion-house of the Hon. Col. Thomas Pollock, Esq., president of this province, at Chowan, in the county of Albemarle, in the night, viz., before sunrising of the same day; the said Col. Thomas Pollock, in the same house, in the peace of God and of our said lord the king then being: against the peace of our said lord the king, his crown and dignity.

Daniel Richardson, *Attorney-general.*

Upon which indictment the said John Cope was arraigned, and upon his arraignment pleaded *not guilty*: and for trial thereof put himself upon God and the country. Whereupon the marshal was commanded to cause to come twelve, &c., by whom, &c., who neither, &c.: and there came, viz., Edward Wingate, &c., &c., who, being impannelled and sworn, say: We of the jury find the said John Cope NOT GUILTY. Wherefore he is ordered to be discharged, after paying the costs accruing by this presentment.

1726.—An order of council empowering the said chief-justice and his assistants to hold a special court for the trial of George Senneka being read, in these words, viz.:

North Carolina, *sc.*: At a council held at the council chamber in Edenton, the 25th day of August, Anno Domini one thousand seven hundred and twenty-six,

Present, the Hon. Sir Richard Everard, baronet, governor, &c., &c., &c. The Hon. the Governor informing the board that the Meherrin Indians had delivered up to him an Indian man belonging to them, for killing an English woman and two children; whom he had committed to close jail: which this board having considered, and to prevent the said Indian from making his escape, do hereby order that the chief-justice immediately call a special court of Oyer and Terminer for the trial of the said Indian; the Meherrin Indians having had notice to attend: and that a copy of this, signed by the Hon. the Governor, under the seal of the colony, and countersigned by the secretary, shall be a sufficient authority to the said chief-justice and his assistants.

And then the following persons were impannelled and sworn of the grand jury, viz., Mr. George Allen, &c., &c., &c., who, being charged with the facts committed by the said George, and mentioned in the aforesaid order, withdrew, and upon their return made presentment of the following bill, viz.:

North Carolina, *sc.*: To the Hon. Christopher Gale, Esq., chief-justice, and the rest of the justices for holding a special court of Oyer and Terminer, for the said province, on the 25th day of August, one thousand seven hundred and twenty-seven.

The jurors for our sovereign lord the king, upon their oath, do present that George Senneka, an Indian man, of Bertie precinct, not having the fear of God before his eyes, but moved by the instigation of the devil and his own cruel, fierce, and savage nature, viz., in Bertie precinct aforesaid, on or about the twenty-fifth day of July, one thousand seven hundred and twenty-six, with force and arms an assault did make upon one Catharine Groom, the wife of Thomas Groom, of Bertie, and on two children, the daughters of the said Thomas and Catharine Groom, and with an axe, of the value of two shillings, which in his hands he then and there held, he the said George, feloniously, voluntarily, and of malice aforethought, in Bertie precinct aforesaid, struck and barbarously wounded the said Catharine on the head, and also the said two infants, with the said instrument, then and there in like manner did wound, so that of the said cruel wounds the said Catharine and those two infants did, then and there, instantly die. And so the jurors aforesaid, on their said oath do say, that the said George, on the said twenty-fifth of July, in the said precinct of Bertie, the aforesaid Catharine Groom, and the aforesaid two female children, in manner aforesaid and of malice aforethought, feloniously and voluntarily did kill and

murder, against the peace of our lord the king that now is, his crown and dignity.

WILLIAM LITTLE, pro Dom. Rege.

To which indictment, the said George Senneka, upon his arraignment, pleaded GUILTY.

Judgment, to be hanged.

[A singular entry appears on the records concerning a marriage. By the law, whites could intermarry with those of their own complexion only; and there was a heavy penalty imposed both on the parties marrying, and on the clergyman or magistrate who performed the ceremony. In the case of the latter it was £50 sterling. This being the law, we find the following entries connected with its violation.]

MARRIAGE OF A WHITE WITH A MULATTO.

1726.—The information made by the Rev. Mr. John Blacknall, of Edenton, in Chowan precinct, clerk, against ———, of Curratuck precinct, for joining himself in marriage to ———, a mulatto woman; at the motion of the attorney-general, it is continued to the next court, on the last Tuesday in October next.

1726.—And now here at this day, viz., &c., the aforesaid information of the said John Blacknall was read, in these words, viz.:

NORTH CAROLINA, *sc.*: The information of the Reverend Mr. John Blacknall, of Edenton, in Chowan precinct, clerk, taken before Christopher Gale, Esq., chief-justice of the said province, this second day of March, one thousand seven hundred and twenty-five, who saith that upon the said second day of March, he the said John Blacknall did join together in the holy estate of matrimony, according to the form of the Church of England, in Edenton, in Chowan precinct aforesaid, ———, a white man, and a mulatto woman, named ———, both of Curratuck precinct, contrary to an act of assembly in that case made and provided, whereby *he the said John Blacknall* hath incurred a penalty of fifty pounds, the one half to the informer, *which he therefore demands;* the other to be lodged in the hands of the governor or commander-in-chief for the time being, to be applied according to the directions of the said act.

(Signed) JOHN BLACKNALL.

[It is difficult to understand the motive of this proceeding, unless Blacknall, having been previously indemnified, by the man whom he married,

against the payment of £50 penalty, determined, by the ingenious device of becoming himself the informer, to pocket one half of it. Of Blacknall we know nothing save what this transaction brings before us; but we are sorry to be obliged to say, that of nearly every one of the very few Episcopal clergy in the province in its earliest days, not much can with truth be said that would gratify the Christian reader. On these very records, we read thus of one, in a list of offenders fined by the court for acts of immorality: "John Urmstone, missionary, for being *drunk*." And again: "Ordered, that John Urmstone do pay unto John Blount, Esq., the fine appointed by law, being presented by the grand jury for *swearing*."]

Specimens of Discretionary and other Sentences of the Court.

1721.—For theft of a saw. "It is considered by the court that the said Jabez Allen do immediately receive, at the whipping-post, thirty-one lashes on his bare back; and twenty-one more to-morrow morning, well laid on."

1722.—Matthew Bryant being brought into court for stealing a lamb belonging to Thomas Matthews, confessed the same: and he appearing to have been so very drunk at the time of the fact committed as to be scarce capable of knowing what he did (and being very aged), it is considered by the court that he be carried hence to the public whipping-post, and have his hands put in the bilboes; and that afterward he be set in the stocks for being drunk.

1722.—Whereupon it is considered and adjudged that the said William Doyle be tied to the tail of a cart, and be whipped on the bare back, with thirty-nine stripes, through Edenton, this day; of which the provost marshal of Albemarle is hereby required to see execution done. And that next Friday he be whipped in like manner through Bath town, of which the provost marshal of the county of Bath is hereby required to see execution done, and then to deliver him to his master, William Barrow. [This William Doyle was a white servant.]

1722.—Hannah Davis, being bound by recognizance to appear at this court, made her appearance, and, upon examination, confessed the fact that she was charged with; to wit, the pilfering of sundry goods from one John Ballard, to the value of ten pence. [So laid in the indictment, to make the offence *petit* larceny, instead of *grand*, which it really was.]

Whereupon it is considered and adjudged that the said Hannah Davis receive on her bare back nine lashes at the public whipping-post, and pay costs.

1723.—Whereas Thomas Dunn appeared at this bar in custody of the marshal, and he confessed himself guilty of several petit larcenies by him committed within this government; whereupon it is considered and adjudged that the said Thomas Dunn be tied to the tail of a cart, and that he be whipped on his bare back with thirty-nine lashes, well laid on; and thence to continue in the custody of the provost marshal of Albemarle county, or his deputy, for the space of six weeks, that he may be delivered to any person that may or can make any lawful claim to him as a servant; and if no person appear in that time, then he is to be disposed of for four years to the first master of a vessel that will give security to transport the said Dunn out of this government.

1724.—[Mary Colton, a spinster, was convicted of felony, in a grand larceny, by which her life was forfeited. She was a woman, and mercy prevailed. This was the sentence:]

It is considered and adjudged that she the said Mary, at the whipping-post, shall receive thirty-one lashes on the bare back, and that she give good security, in the sum of £100 sterling, for her good behavior to all his majesty's liege people, for twelve months and one day; and also that she pay all fees and costs accruing by reason of her prosecution: and if she does not give such security, and pay the fees, within twenty days after the adjournment of the court, that then she shall be sold by the provost marshal to any person, the highest bidder, who will give security to transport her out of the government; and that she stand committed until the said sentence be performed.

[These will suffice as specimens of sentences on criminals: and we think the reader cannot but remark the fact that our worthy forefathers relied very much on the lash to correct petty offences. In their day there had been no development of that equivocal philanthropy and doubtful benevolence of modern times, which, under the names of "penitentiary" or "state prison," erects costly colleges wherein to educate crime, and surrounds the felon with comforts greater than he ever had industry enough to obtain for himself, by honest labor, among his fellow-men. "The way of transgressors

is hard," says the highest authority. We confess, we think it ought to be hard; nor have we any sympathy with that morbid sentiment which expends all its pity on a detected thief or murderer, but has none for the rest of society, outrageously wronged by his villainy and atrocity. The whipping-post and the gallows may be antiquated institutions, unworthy of the modern "march of mind;" but we are old-fashioned enough to prefer them to penitentiaries, because of the little, but significant fact, that our criminal statistics show fewer crimes against property and life when men who sin against society are whipped and hanged, than are to be found under the system of costly edifices, reared, as we are told, for reformation and penitence. The reformation lasts until a *pardon* is thereby obtained, and the penitence is for the *consequences* rather than for the cause of sin.

Oracular wisdom not unfrequently favors us with the stereotyped dogma, borrowed, we believe, from Bentham, that "the worst use to which you can put a man is to hang him." We were not aware that the end contemplated in the penal inflictions of the criminal law is to make scoundrels *useful* to society, as productive laboring instruments for the public revenue; but if *utility* is the basis and object of human punishment, there is a higher utility than that of mere money-making. We are, therefore, altogether of a different opinion from Bentham, and can conceive of no better use to be made of some men (crimsoned, for instance, with innocent blood), than to hang them up as a warning, to prevent, by their example and fate, hundreds of other men from being murdered, and other hundreds from being hanged for it. Our sympathies are stronger for honest men who endeavor to do right, than for felons, who, in their selfish wickedness, neither fear God nor regard man. Our observation of penitentiaries, and of the abolition of capital punishment in all cases, has not tended to commend these measures to our acceptance. We believe the stocks, the pillory, the whipping-post, and even the gallows, to be much wiser and better institutions.]

[We have but one example more to present from the records of the court of Oyer and Terminer, and we select that because its existence is to be traced to the political excitements of the day, and the facts which it brings to view are direct historical events of the times. The parties concerned in it were not of the class of petty thieves whose sentences we have been reading. They were dignitaries of the province, men who were once its governors. George Burrington took the oath of office as governor, under the appointment of the proprietors, on the 15th of January, 1724. This is not the page on which to speak particularly either of his character or doings: the

delineation of both will be found in our volume in the appropriate place. It is only necessary here to say, that he was superseded by Sir Richard Everard, who was sworn into office on the 17th of July, 1725. That Burrington should have felt no particular affection for his successor is not strange; and, upon examination of his character, we find it as little wonderful that he should have speedily brought himself before the court, by the conduct which forms the subject of one of the many indictments which were found against him.]

INDICTMENT OF BURRINGTON FOR HIS TREATMENT OF THE GOVERNOR.

1726.—William Little, Esq., attorney-general, comes to prosecute the bill of indictment, found by the grand jury, against George Burrington, Esq., for trespass, assault, misdemeanor, and breach of the peace, contrary to the act of assembly in that case made, in these words, viz.:

NORTH CAROLINA, *sc.*: To Christopher Gale, Esq., chief-justice, and the rest of the justices of the general court held at Edenton, the last Tuesday in March, one thousand seven hundred and twenty-six.

The jurors for our sovereign lord the king, on their oath do present, that George Burrington of Edenton, in the precinct of Chowan and county of Albemarle, Esq., not having the fear of God before his eyes, but seditiously and maliciously intending and imagining the Hon. Sir Richard Everard, baronet, governor of the said province, to asperse and defame, and him to bring into the evil opinion of his majesty's liege subjects, inhabitants of this province; and the present happy, mild, and just administration of this government to bring into contempt, disorder, and confusion; and the principal officers thereof in the execution of their offices to disturb and obstruct; and sundry of his majesty's subjects within this government to move and instigate to sedition and faction, to cabal and meet together to incite rebellion, conspiracies, riots, and unlawful feuds and differences, thereby to disturb the king's peace and subvert the present established government, and destroy the safety and tranquillity of it: viz., in Edenton, in Chowan aforesaid, on or about the fifteenth day of November, one thousand seven hundred and twenty-five, in the presence and hearing of sundry of his majesty's liege subjects, he the said George Burrington did openly, advisedly, and with a malicious and seditious intent against the said Sir Richard Everard, baronet, then and still governor of this said province, speak, utter, publish, and declare these false, scandalous, opprobrious, and malicious words, that "*Sir Richard*" (the aforesaid Sir Richard Everard, governor, meaning) "*is no more fit to be governor*" (governor of this province meaning) "*than a hog in*

the woods;" and that "*he*" (the said Sir Richard meaning) "*is a noodle and an ape;*" and also to Thomas Parris, then present (being an Essex man), he the said George did say, "*Damn you, you and all your countrymen are such fools*" (the said Sir Richard again meaning).

And further, to foment disturbances and keep up faction and dissension, and raise sedition and mutiny against the governor, he the said George Burrington, to one James Wainwright speaking, whom, when he the said George was governor, he had formerly made provost marshal, then and there openly to the said James did say, "*I will make you*" (the said James meaning) "*provost marshal again within nine months;*" and did also then and there, and at other times, declare openly and spread this false news or report in the hearing of sundry his majesty's liege subjects, that "*he*" (the said George Burrington meaning) "*should be governor of this province within nine months;*" thereby encouraging party and faction, disquieting the people in their minds, disaffecting them to the government, and disturbing the peace and tranquillity of it.

And further to insult, contemn, and defy the said Sir Richard Everard, baronet and governor, and his good and mild administration to vilify, he the said George Burrington, on or about the second day of December, one thousand seven hundred and twenty-five, viz., in Edenton aforesaid, by force and arms, to the terror of his majesty's liege people, in the night-time, with sundry others, in a violent, ruffianly manner, came to the house of Sir Richard Everard, then and still governor, and rudely and violently did swear at the door, and he the said George, calling out to Sir Richard, declared openly, that "*he*" (the said Sir Richard meaning) "*was no more fit to be governor*" (the governor of this province, which he then was and now is, meaning) "*than Sancho Panza;*" thereby intending to defame, ridicule, and burlesque his government: and then and there, opprobriously and in contempt of government, called him, the said Sir Richard, "*calve's head.*"

And further, then and there to the said Sir Richard Everard, governor, he the said George did publicly, openly, and maliciously utter and declare, in the hearing of divers of his majesty's good subjects, inhabitants of this province, in a rude, seditious, and threatening manner, these words: "*Come out you*" (the aforesaid Sir Richard the governor meaning); "*I want satisfaction of you, therefore come out and give it me; and you, Everard*" (the aforesaid Sir Richard then governor meaning), "*you a knight! you a baronet! you a governor!*" (present governor of this province meaning). "*You are a Sancho Panza, damn you*" (the said Sir Richard meaning). "*You are a sorry fellow, and I*" (the said George himself meaning) "*will scalp your damned thick skull*" (the said Sir Richard's head meaning). And on these

highly seditious and opprobrious words and speeches, he the said George being by the said governor Sir Richard threatened that, if he did not depart, he the said governor would have the said George punished, the said George did thereon openly and publicly reply and utter these mutinous and seditious words : " *You*" (the said governor meaning) "*have not an officer dare speak to me or look me in the face*" (the officers and ministers in the administration and execution of justice meaning).

All which highly seditious speeches and behavior tend egregiously to move conspiracies, raise faction and sedition, to defame and bring into contempt and hatred the present lawful government, to discourage, disturb, and obstruct all the officers in the government in the execution of their office and duty, to hinder the trade and welfare and quietness of the country, to raise mutinies, and involve the government in blood and misery, and is against the peace of our sovereign lord the king, that now is, his crown and dignity, and contrary to law and the act of assembly in such case provided.

No. V.

[We present, next, the record of a single case in the Court of Chancery, not simply to show the forms and mode of business in that court, but because the case furnishes the evidence of the first permanent settlement made in Albemarle. We offer no apology, because we think these records really constitute a better history than we can write. The facts which they present suggest to the thoughtful reader reflections that make for him a picture of the habits of manner and thought, in the earliest days of the colony, more vivid and life-like than can be embodied in a simple narrative; though such narrative shall not be wanting.]

From the Records of the Court of Chancery.

1697.—John Durant and Thomas Durant, heirs of George Durant, deceased, come to prosecute their suit against John Hawkins, attorney of Mr. Edward Catchmaid, and by their bill say, that the said George Durant, coming into this country with the first seaters, did, for the space of two years, bestow much labor and cost in finding out the said country, with the rivers, ports, channels, passages, and conveniences, both by water and land; and then seated a certain tract of land on Roanoke Sound, upon a point then known by the name of Wikacome, now in the precinct of Perquimans; and

in order to his peaceable enjoyment of the said lands, did make such entries thereof as was by the Right Honorable the Governor of Virginia and the Honorable Council then being, ordered and appointed; and procured such title thereto as was at that time usual in such cases, and necessary.

After which, Mr. George Catchmaid, being encouraged by the said George Durant, came into this country, and seated upon a tract of land adjoining the land already in the quiet and lawful possession of the said George Durant, and divided therefrom by a line, by and betwixt them agreed upon; about which time the Right Honorable Sir William Berkeley, Bart., governor of Virginia, having instructions for granting of patents for the land in this country, the said George Durant, that he might be neither deficient in his obedience to the government under which he peaceably lived, nor wanting in any thing that might strengthen and secure his own title to the lands by him then held as aforesaid, did agree with the said George Catchmaid to sue out his patent for the said land in his, the said Durant's, behalf, for a certain consideration, which was on the said Durant's behalf faithfully performed; notwithstanding which agreement as aforesaid, the said George Catchmaid clandestinely entered the said lands wholly in his own name, and obtained a grant thereof to his own use, intending thereby privately to defraud the said George Durant of his just right and title thereto.

Whereof as soon as the said George Durant had information, and understood the subtle, fraudulent, and underhand dealings of the said Catchmaid in the premises, he, by his humble petition unto the said Sir William Berkeley, Bart., governor, at several times made complaint of the great wrong done him by the said George Catchmaid, and thereby procured from the said Catchmaid an instrument, deed, or writing, under the said George Catchmaid's hand, bearing date the thirteenth day of March, A. D. 1662, as appears upon record, whereby the said George Catchmaid covenanted and engaged, as well for himself as for his heirs, executors, and administrators, to make unto the said George Durant, his heirs and assignees, a sure and undoubted title in and to a certain tract of land in the said writing, and according to the limits and bounds therein, expressed; being indeed none other than the lands then in the lawful possession of the said George Durant, and unto him properly belonging; and whereto the said Catchmaid, by the said writing, doth disclaim all right, claim, and interest. After which the said George Catchmaid departed this life, the covenants of the said writing not being performed, and Mr. Timothy Bigs, by what title your humble orator knoweth not, entered upon and possessed the said lands of the said George Catchmaid; whereupon the said George Durant did not neglect to make his just and continual claims unto his lands aforementioned, insomuch

that the said Timothy Bigs was forced to assume the performance of the said Catchmaid's engagements, and the procuring of the said George Durant a patent for the said lands, to be performed at the said Timothy Bigs his own charge for a valuable consideration, by the said Catchmaid already received, and by the said George Durant allowed on account, which the said Timothy Bigs, as by a writing under the said Timothy Bigs' hand, upon record, bearing date the eleventh day of March, 1673, doth appear.

Now, may it please this honorable court, the said George Durant having already been at great costs and trouble in the premises, and doubting lest by such manifest frauds, delays, and evil dealings, his just right and lawful title to the said lands might be at least obscured and endangered, he, the said George Durant, did make his lawful suit, in his own person and in his own behalf, unto the honorable governor and council of this country at a court holden the 26th day of November, A. D. 1679, and his right and title to the premises being then and there made unto the said court, he obtained an order of the said court for his said lands, and a warrant for the survey thereof according to their right bounds and limits, as appears upon record. After which, the said Timothy Bigs died; and the said George Durant, during his lifetime, and after his decease, your humble orators have remained in quiet possession of the said lands, without claim or notification of any person from or under the said George Catchmaid or his heirs, and have duly paid the quit-rents for the same unto this day.

Then your humble orator further saith, that about or within two years last past, one Edward Catchmaid of London, pretending to be nephew and heir to the said George Catchmaid, came, by Mr. John Hawkins his attorney, and commenced suit against William Duckenfield, Esq., for a tract of land formerly belonging to the said George Catchmaid; and to prove his claim thereto, produced a copy of a patent, from the records in Virginia, for the quantity of three thousand three hundred and thirty-three acres of land, which your humble orator saith is the same patent which was so surreptitiously obtained by the said George Catchmaid, and within which the land belonging to your humble orator is included, as is before expressed.

Wherefore, your humble orator prays that the said John Hawkins, attorney of the said Edward Catchmaid, may be summoned to this honorable court to answer the premises, and that the honorable court will grant to your humble orator such relief as you shall judge meet for the securing of your humble orator's title to the said land from the said Edward Catchmaid, or any person claiming under or by him, by virtue of the said patent, according to the intent and meaning of the aforesaid writing bearing date the 13th

day of March, 1662, and according to your humble orator's most equitable right and title in and to the said lands. And we shall pray.

And the complainants produce the following testimony and writings, viz:

Whereas, George Durant hath seated a plantation on Roanoke Sound, and on a point called by the name of Wikacome, at or betwixt two rivers called by the names of Perquimans and Cataline; and whereas I, George Catchmaid, have obtained a grant from the Honorable Governor of Virginia for the whole neck between the two rivers, and which grant was in part belonging to the said George Durant: be it known therefore to all men, by these presents, that I, the said George Catchmaid, do assign, make over, and deliver unto him, the above-named George Durant, that piece of land lying and being on the same neck, beginning at a small creek or branch which issueth out of Perquimans River, and divideth this land from the neck called Langley's Neck, extending down the said river and sound to a small point of land, where the said Durant did begin to clear, but desisted; as also including the same small piece of ground to the eastward of his plantation, thence northerly into the woods; which land I do engage myself, my heirs, executors, administrators, and assignees, to patent the said land, and to make over the same, being patented to him, his heirs, executors, administrators, and assignees, utterly disclaiming any right, title, and interest I, the said Catchmaid, have to the same; although it may be put in my patent.

In witness whereof, I have hereunto set my hand this 13th day of March, 1662. (Signed) George Catchmaid.

Witnesses, { John Jenkins, Edward Remington.

Albemarle, $167\frac{3}{4}$.

I, the underwritten, do acknowledge to have settled with Mr. George Durant the present day, and all accounts are balanced betwixt us, excepting an engagement of Mr. Catchmaid for procuring a patent for his land, and the said Catchmaid being at the charge of performing the same, which I do promise to perform, and there is not any thing else between us.

Witness my hand this 15th of March, 1673.

(Signed) Tim. Bigs.

At a court holden the twenty-third of November, 1679. Present there: John Harvey, Esq., governor, John Willoughby, Esq., Richard Foster, Esq., John Jenkins, Esq., Anthony Slocum, Esq., Robert Holden, Esq., lords deputies; William Crawford, Esq., James Blount, Esq., John Warnham, Esq., assistants.

Ordered, that that part of the land of George Durant which is compre-

hended in Mr. Catchmaid's patent, be surveyed, and his right be patented out in his own name: accordingly, a warrant drawn to effect the same.

Vera copia, HENDERSON WALKER, *Clerk.*

By the governor and council.

These are in his excellency the palatine and lords proprietors' names, to will and require you to survey and lay out that piece of land which belongs to Mr. George Durant, lying and being on a certain tract of land that lieth between two rivers called by the name of Perquimans and Cataline, beginning at a small creek or branch issuing out of the said Perquimans, that divideth this land from the neck called Langley's Neck, extending down the said river or sound to a piece of ground where the said George Durant did begin to clear, also including the same piece of ground to the eastward of this plantation, thence northerly in the woods; which said land is included in a certain patent of the said Catchmaid, deceased, and assigned over by the said Catchmaid to the same Durant, as under his hand doth more fully appear; and after the survey made as aforesaid, to return the survey or map thereof to the secretary's office, that a patent may be drawn according to the lords proprietors' grant in that behalf.

Given under our hands and the seal of the country, the 21st day of December, 1679.

JOHN HARVEY,
JOHN JENKINS,
ANTHONY SLOCUM,
ROBERT HOLDEN.

To the surveyor-general, or deputy, to execute and return.

The deposition of Richard Watridge, aged fifty-one years or thereabout, sworn and examined, saith: He, the deponent, being designed to go to the southward, about the year 1662, to see how he might like the place, at which time Mr. George Catchmaid desired the deponent to go to the place where Mr. George Durant was seated, and to speak to the said Durant to show him, the deponent, the land which was designed by the said Durant for the said Catchmaid; which accordingly he did, and was showed by Mr. Durant the land intended by him for the said Catchmaid, and soon after returned to Virginia again. And about a month after, Mr. Catchmaid employed the deponent to go, with three hands, to settle and seat the said land, and went with him himself; and coming to the house of Mr. Durant aforesaid, he, the deponent, did hear and see them conclude of a line, which was accordingly then run for a dividing line between them; and, as he very well remembers, began at a pine standing by the water-side at the Sound, extending to the seated land of Col. Caltropp—it being agreed by them that George

Catchmaid should have the land on the eastward, and George Durant on the westward side of the said line.

And the deponent further saith, that he heard the said Catchmaid tell Mr. Durant aforesaid, that Sir William Berkeley was then lately arrived from England, and that he resolved the inhabitants of the southward should hold no longer on Indian titles, but that he would grant patents to those that desired them: whereupon he heard the said Durant tell Mr. Catchmaid that then he would go, and so to secure his land as aforesaid; and Mr. Catchmaid then replied, and said he should not need to go himself, but that he would have him stay there and look and see his people should not lack provisions and other necessaries, and he would do his business and his own too. (Signed) RICHARD WATRIDGE.

December 5th, 1687.—This day Richard Watridge appeared before me and pledgeth, upon the Holy Evangelist, that the foregoing is the truth and nothing but the truth. (Signed) JOHN LEAR.

The deposition of Caleb Calaway, aged forty-five years or thereabout, being deposed, saith: That, to his knowledge, George Durant was seated upon the neck of land where his widow now liveth, before George Catchmaid; and your deponent was a witness to the bill of sale by which George Durant bought it of the king of the Yaopim Indians. And the deponent further saith, that he hath been informed that George Catchmaid obtained a patent from Sir William Berkeley for the whole tract of land, and further saith not. (Signed) CALEB CALAWAY.

Subscribed this 13th day of July, 1693,

Before us, { WILLIAM WILKINSON, HENDERSON WALKER.

The deposition of John Barrow, aged fifty years or thereabout, being deposed, saith: That, to his knowledge, George Durant was seated upon the neck of land where his widow now resides, before ever George Catchmaid came in the country for to seat. And the deponent further saith, that he hath been informed that George Catchmaid obtained a patent of Sir William Berkeley for the whole tract of land, and further saith not.

(Signed) JOHN BARROW.

Sworn this 13th day of July, 1693,

Before us, { WILLIAM WILKINSON, HENDERSON WALKER.

Captain John Hunt, aged fifty-two years or thereabout, deposeth: That the deponent, about thirty-three years ago, lived with Mr. George Catchmaid

for the space of one whole year; and the said Catchmaid showed the deponent the bounds between Mr. George Durant and himself, which was an hickory-tree standing near the Sound, which was, as he the said Catchmaid said, a mile from the point of Little River, and said the land on the west of that tree was Mr. Durant's; and that he had given him a conveyance of a northerly line from that tree, which, if it were to do again, he would never do, because it came so near the warehouse point that he had little outlet. And the said Catchmaid owned, that from the said bounds all the land to Marshy Gutt was Mr. Durant's, and further saith not.

Sworn in court. (Signed) JOHN HUNT.

W. GLOVER, *Clerk.*

And the said John Hawkins came, and casteth himself, on behalf of the said Edward Catchmaid, upon the judgment of the court.

By all which, it manifestly appears to this court that the said George Durant had the first right in and to the land by him held and possessed; and that the aforesaid patent was surreptitiously obtained by the said George Catchmaid; and that the said John Durant and Thomas Durant have a true and equitable right and title in and to the tract of land expressed and bounded in the before-recited writing, under the hand of the said George Catchmaid, bearing date the 13th day of July, A. D. 1662.

Therefore it is ordered, that all right or title that the said George Catchmaid or his heirs doth or may claim in or to the said tract of land, beginning at a small creek or branch now called Marshy Gutt, that divides this land from the neck called Langley's Neck, and then down the river and sound to the east side of Mr. John Durant's cleared ground, and from thence by a line north and by west a mile into the woods, and also to be bounded on the west by a line from the said Marshy Gutt, north and by west, a mile into the woods, and from thence by a line to the head or end of the east-side line, by virtue of the said patent, be utterly null and void. And that the surveyor lay out the said tract of land for the said John Durant and Thomas Durant, and that a patent be granted to them for the said land according to this decree. (Signed) THOMAS HARVEY,
DANIEL AKEHURST,
FRANCIS TOMES,
HENDERSON WALKER.

No. VI.

EXTRACTS FROM THE COMMISSION OF JUSTICES OF THE PEACE, 1679.

ALBEMARLE.—I, John Harvey, Esq., governor, president of the council, and commander-in-chief of the forces in Albemarle county, in the province of Carolina, with other the illustrious lords proprietors' deputies of the county of Albemarle, in the province of Carolina, as above said, doth, in his excellency the palatine's and the rest of the illustrious lords proprietors' names, grant this commission of the peace for the precinct of Berkeley, in the county and province aforesaid, as followeth:

To our well-beloved and faithful *George Durant*, *Alexander Lillington*, *Ralph Fletcher*, and *Caleb Callaway*, Esquires, GREETING:

Know you that we have assigned you and every one of you, jointly and severally, justices, to keep his excellency the palatine's and the rest of the true and absolute lords proprietors' of the province of Carolina, peace, in the precinct of Berkeley, within the county of Albemarle, &c., &c.

We have also assigned you, and every two or more of you (*quorum aliquem vestrum Georgius Durant vel Alexandrus Lillington, unum esse volumus*), his excellency the palatine's and rest of the true and absolute lords proprietors' justices, to inquire, by the oaths of good and lawful men of the precinct aforesaid, by whom the truth may be known, of all and all manner of felonies, witchcrafts, enchantment, sorceries, magic arts, trespasses, forestallings, regratings, and extortions whatsoever; and of all and singular other misdeeds and offences, of which justices of the peace may or lawfully ought to inquire, &c., &c.

No. VII.

LIST OF CHIEF-JUSTICES, AS FAR AS THEY CAN BE GATHERED FROM THE RECORDS.

EDWARD MOSELEY, from 1707 to 1711.
CHRISTOPHER GALE, from 1711 to March, 1718.
TOBIAS KNIGHT, in 1718, March term only.
FREDERICK JONES, from Nov. 4, 1718, to the close of 1720.
CHRISTOPHER GALE, reappointed March 21, 1720–21. Retained the office until the close of the proprietary government in 1729.

LIST OF THOSE WHO HELD THE OFFICE OF ATTORNEY-GENERAL.

MR. —— ABINGTON, (appears as A. G.)	February	26, 1694.
HENDERSON WALKER, sworn in	October	30, 1695.
RICHARD PLATER, sworn in	September	28, 1696.
DANIEL RICHARDSON		1714.
JOHN WORLEY	August	2, 1716.
DANIEL RICHARDSON		1720–21.
JAMES STANAWAY	June	3, 1723.
WILLIAM LITTLE		1724.
THOMAS BOYD	April	7, 1725.
WILLIAM LITTLE	July	27, 1725.

Retained the office until the close of the proprietary government in 1729.

CHAPTER SECOND.

THE LAW AND ITS ADMINISTRATION.

NARRATIVE.

CHAPTER II.

The first charter of the king, made on the 24th of March, 1663, had granted to the lords proprietors "full and absolute power, for the good and happy government of the said province [Carolina], to ordain, make, enact, and under their seals to publish *any laws whatsoever*, either appertaining to the public state of the said province, or to the private utility of particular persons, according to their best discretion, of and with the advice, assent, and approbation of the freemen of the said province, or of the greater part of them, *or of their delegates or deputies*, whom, *for enacting of the said laws*, when, and as often as need shall require, we will that Edward, Earl of Clarendon [naming also the other proprietors], shall, from time to time, assemble in such manner and form as to them shall seem best," &c.

This clause, therefore, constituted the chartered right of the free colonists, first to a voice in making the laws by which they were to be governed; and, secondly, to making them by "delegates or deputies" from among themselves, should the lords proprietors approve of that mode.

The second charter to the same grantees, made by the king on the 30th of June, 1665, contained precisely the same provision; and the sole qualification of the powers of legislation here granted was, "that the said laws be consonant to reason, and, as near as may be conveniently, agreeable to the laws and customs" of England.[1]

The lords proprietors appear to have resolved on legislating, in Albemarle, "by delegates or deputies," and therefore, in their second proposals for settlers, issued soon after the grant of their charter, stated that the colonists were "to have a governor and

[1] See Charters in Revised Statutes of N. C., ed. of 1837, vol. ii. pp. 437–1.

council appointed from among themselves, to see the laws of the assembly put in due execution; but the governor is to rule but three years, and then learn to obey: also he hath no power to lay any tax, or make or abrogate any law, without the consent of the colony in their assembly."

They also declared that the colonists were "to choose annually from among themselves a certain number of men, according to their division, which constitute the General Assembly, with the governor and his council, and have the sole power of making laws, and laying taxes for the common good when need shall require."[1]

Martin has stated, as Williamson had done before him, that the colonists were *to present thirteen persons out of their own number*, out of whom the proprietors were to choose a governor and six councillors; and these, together with six delegates chosen by the people, were to constitute the Assembly.[2] As authority, Martin refers generally to Chalmers, Lawson, and Archdale; and Williamson (as is too much his habit) gives no reference at all. Neither Lawson nor Archdale makes any such statement as that of Martin. Chalmers makes mention of it, but not as applicable to the colonists generally. He informs us that the proprietors, most unwisely, established, at first, "for Carolina, a variety of separate and independent colonies, each of which had its *own government, its own assembly, its own customs and laws*."[3] With their extensive domain, however, necessity left them no other alternative. They could not, possibly, have brought all under *one* government. And we further learn from him, that this privilege, granted the colonists, of selecting out of their own number, thirteen, from whom the proprietors were to choose a governor and council, was granted specially to "all persons settling on Charles River, to the southward of Cape Fear."[4] Certain it is that no record extant shows any such privilege ever to have been exercised in Albemarle. The proprietors always, from the appointment of Drummond, their first governor of Albemarle (which was made under their authority, by Sir William Berkeley), up to the transfer of their rights to the crown, appear to have appointed

[1] Brief Description of the Province of Carolina: London, 1666, p. 8. Ante, p. 41.
[2] 1 Martin, p. 128. 1 Williamson, p. 94.
[3] Pol. Annals, p. 521.
[4] Chalmers' Pol. Annals, p. 518.

the governor and council without reference to the will of the people.

Still it is true, that in the first brief proposals of the proprietors, in 1663, there was the provision for nominating thirteen persons, out of whom the proprietors were to select a governor and six councillors;[1] and in the settlement on the Cape Fear, under Yeamans, it was followed; but we do not think it was ever acted on in Albemarle: all the records, during the proprietary rule, tend to show the contrary.

It is not easy to determine exactly when the first assembly met in North Carolina. Mr. Bancroft, on the authority of Chalmers, assigned the year 1669 as the period.[2] But Martin, more correctly, as we think, placed it earlier; because, in a document of the lords proprietors, made in May, 1668, they expressly say: "Whereas we have received a petition *from the Grand Assembly* of our county of Albemarle."[3] This petition, we apprehend, must have been sent at least as early as 1667, at which time a regular government had existed in Albemarle but four years. Some, indeed, have supposed that the first legislature may have convened as early as 1666.[4] Chalmers thinks that of 1667 was "probably the *first* of which any memorial now remains;"[5] but he is in error on this point. In the researches of the author among the valuable MSS. of Mr. Bancroft, he found evidence, satisfactory both to that gentleman and himself, of an assembly held in Carolina, *under the administration of Drummond*, which lasted from the autumn of 1663 to that of 1667. Mr. Moore is correct in his conjecture, that there was an assembly as early as 1666. The MSS. alluded to, show the joint action of the provinces of Maryland, Virginia, and "the assembly of Carolina," relative to planting tobacco, as early as 1665 and 1666.

The lords proprietors reserved to themselves a veto on all acts passed by the Grand Assembly of Albemarle; and, consequently,

[1] See the "Declaration and Proposals" of 1663, in Rivers' Historical Sketches of South Carolina, Appendix, p. 335. Ante, p. 27.

[2] 1 Bancroft, 1st ed., p. 151.

[3] 1 Martin, 145. The document he alludes to is the "great deed of grant." Rev. Stat. N. C., ed. 1837, p. 13, vol. i.

[4] B. F. Moore, Esq. Preface to Revised Code N. C., 1855, p. vi.

[5] Polit. Annals, 520.

they had to be transmitted to England for approbation, before they became laws.[1] The infrequency and uncertainty of communication must, of course, have very seriously retarded legislative sanction, to the great injury of the infant settlement; which needed to be brought, as promptly as possible, under the authority of wholesome laws.

But another cause added to this evil. There was no printing-press in the colony; and even after laws had received proprietary approbation, no better mode of promulgating them could be found than to cause them to be copied *in extenso*, and transmitted to the several precincts, with an injunction upon each clerk to read them publicly once a year, during the sitting of the court; and also at every term to place the written volume of statutes open upon the court-table, for the free inspection of court, bar, and suitors. As an evidence of the unchangeable character of official habits, we may add, that, even in our own day, it is the custom of some of the clerks of the counties on Albemarle, still formally to place the printed volume of statute law on the judge's table.[2]

There are three of these manuscript volumes of our statute law still extant, the most perfect of which, through the kindness of a friend,[3] is now in the possession of the author. A collation of the three has led to the agreeable discovery, that we are now probably in possession of copies of all our past statutes, the obsolete as well as those repealed.

The custom undoubtedly was, as is stated in the preface to the "Revised Code" of 1855, to re-examine the whole body of statutes at certain periods, and to re-enact a body of law, embracing many statutes then in force, with a repeal of all previous enactments. The purpose evidently was, to simplify the whole law of the province, and make it more intelligible when read by the clerk to the assembled people.

Thus, in the manuscript volume now before us, we find at a biennial assembly held in 1715, these words placed in front of all the enactments: "These following laws, being in number fifty-seven, were read three times and ratified in open assembly." This

[1] Preface to Revised Code N. C., 1855, p. vi. Ante, p. 28.

[2] *Ex relatione* Gov. Swain.

[3] William B. Rodman, Esq., of Washington.

was a revisal of the whole body of statute law; and at the close is a statement that the revision had been made by authority: and a special enactment repeals all former laws not particularly excepted by their titles, and confirms the whole as "the body of the laws of the government." The volume contains also all the excepted laws, as well as those marked in the earliest printed revisal as then "obsolete."

In 1669, the "Fundamental Constitutions," as they were termed, were sent over by the lords proprietors: a full account of these, however, we reserve for a future page. It is enough here to remark, that they were not adapted to the country, and were abrogated in 1698; but even after their abrogation, the style of enactment continued unaltered: "Be it enacted, by his excellency the palatine and the rest of the true and absolute lords proprietors of Carolina, by and with the advice and consent of the rest of the members of the General Assembly," &c.

It is also to be observed, that in the earliest legislation the "Grand Assembly," as it was termed, constituted but one house, composed of the governor, twelve councillors, and twelve representatives, chosen by the freeholders. This, it would seem, was by virtue of a CONSTITUTION granted to the colony in 1667, when Stephens succeeded the first governor, Drummond. This was the first constitution granted by the proprietors. Of *all* its provisions we cannot speak with certainty, as the document itself, so far as we now know, is not extant. From former historians, however, we learn what we have here stated concerning the assembly, and also, that by the instrument, the governor for the time being was authorized to make grants or patents of land in the name of the proprietors.[1] Chalmers is most minute in giving information concerning this constitution. There was a governor appointed by the proprietors, who acted entirely by the advice of a council of twelve, one half of which was appointed by himself, the other half by the assembly. The assembly was composed of the governor, this council, and twelve delegates chosen annually by the freeholders. This was what is called "the Grand Assembly" in our early records. This assembly had not only power to make laws, but pos-

[1] 1 Martin, 144–5. Preface to "Revised" Code N. C., 1855, by B. F. Moore, Esq.

sessed a large portion of *executive* authority also. It could convene and adjourn itself, it appointed all officers, and had the right of presentation to all churches. No taxes could be imposed without its assent. There were various regulations provided for the security of property. The lands were held under it by the free tenure of socage. There was perfect freedom allowed in the matter of religion. All men who took the oath of allegiance to the king and fidelity to the proprietors were entitled to equal privileges. This was a system possessing an adaptation to the actual state of things in the colony, and was received by the inhabitants, says Chalmers, "with a satisfaction in proportion to the importance of it."[1] The settlement seems to have been in peace and prosperity under it; and it is wonderful, that with the lights of experience it afforded, the proprietors could afterward have fallen into the egregious blunder of endeavoring to substitute for it the "Fundamental Constitutions." At a later period, during the proprietary rule, this was changed, and the "General Assembly" formed two houses: an upper, consisting of the governor and council, six in number; and a lower, composed of the burgesses chosen by the people.

Having thus presented the best account we have been able to collect from our materials, of the legislative body, we now proceed to a brief sketch of the enactments made during the times of proprietary rule. The laws made in any country are a picture of that country for the period covered by the date of their enactment; so that it has been well said, the statute-book of a country is sometimes its best history. This remark is especially true of a region in the infancy of its settlement. The laws then made are, of necessity, founded on the pressure of actual wants calling for an immediate remedy. That remedy, too, must be one adapted to the existing condition of a society struggling to subdue a wilderness and overcome unwonted privations. The artificial necessities of a more refined and cultivated social state furnish, on the early statute-book, no evidence of their existence. The wild lawlessness of rude, and often penniless, adventurers, the moral delinquency of criminals seeking to place themselves beyond the reach of well-administered governments, are topics more apt to suggest them-

[1] Chalmers' Polit. Annals, p. 524.

selves to the reader, than any others, in glancing at the early colonial legislation of a country; and in this respect, Carolina neither furnishes an exception to the general rule, nor yet presents a picture worse than that of her sister colonies. A favorite phrase applied to her in the earliest times by her northern neighbor, was (as we are told) "Rogue's Harbor." That there were rogues south of Virginia, as well as in it, is undoubtedly true; and most probable also is it, that some of them lived in what is *now* a part of North Carolina. But, as we have already explained in our previous chapter on the progress of settlement, the first charter to the lords proprietors *did not include the country of Albemarle.* It was not until 1665 that Carolina was extended north, by the second patent, up to the southern boundary of Virginia. There was consequently between the two provinces a region of a half degree of latitude in width, which included all the country of Albemarle, and indeed the whole tier of northern counties in what is now North Carolina. Into this middle ground, this "no man's land," we are expressly told emigrants came from Virginia, because it was under *no government:* some of them may have been rogues, probably they were. The facts, however, furnish two very obvious reflections, and with them we dismiss the subject: first, these rogues came not *into Carolina;* for their hiding-place, Albemarle, was not then within her limits and jurisdiction: and secondly, had it been, they brought their roguery with them ready made *from Virginia.* We will now endeavor to show the reader that the legislation of Carolina furnished no special encouragement to roguery, whether imported or domestic.

Population.

It may well be supposed that one of the earliest wants that would be felt in the new settlement was that of insufficient population. Immense bodies of fertile but uncleared lands were all around them. From these lands they were to obtain their supplies of bread; and though it may be true, as we believe it is, that no land was ever visited by famine where Indian corn is a staple of its production, yet the mere adaptation of soil and climate to that grain would, of course, avail nothing without the labor of man in

its production. Fields of corn are not anywhere a spontaneous offering of the earth. Hence the lords proprietors spared no efforts, as we have seen, to procure colonists. The liberality of their offers sufficiently indicates their solicitude in this particular. Every man with a family was entitled to receive one hundred acres of land, each, for himself, his wife, his children, and his men-servants; and for each woman-servant or slave, fifty acres, paying at most a halfpenny per acre per annum to the lords proprietors, in full of all demands. Every man-servant, at the expiration of his service, was entitled to one hundred acres, and every woman-servant to fifty, with tools and implements for cultivation. These were the earliest offers.

At a later period (1668), by the "Great Deed of Grant" the proprietors endeavored to lighten still more the burden of the landholders; and on their petition, conceded to them the right to hold their lands, as lands were held, under grants from the crown, in Virginia. The benefit of this was an exemption from forfeiture and return to the lords proprietors, unless three acres should be cleared and planted within three years, for every fifty acres of the grant.

The legislature was as anxious as the proprietors to increase the population. One of its first laws was to exempt every new-comer from taxation for a year. This indeed might induce emigrants to come, but it also opened a door for frauds against which the assembly was obliged promptly to provide. Individuals, as they state in the preamble to one of their acts, "resort into this country, and perhaps in a short time leave it again; yet nevertheless whilst they are here they make sale of their rights and lands, which thing may prove very prejudicial to our lords proprietors and to the speedy settlement of this government."[1] To remedy this, they enacted that no one should make sale of his right to any lands, until he had been for two years an actual resident in the country.

There was also another evil, arising from the facility of obtaining lands, against which they found it necessary to guard. This they have expressed in the preamble to "an act for the speedy settlement of lands." In it they recite that "there are several of the

[1] MSS. Laws, p. 293.

inhabitants within this country that formerly did clear some small quantity of land and built some houses thereon, which they have forsaken—and the land lyeth void and unplanted, which proves an hindrance of the settlement of the country."[1] The remedy provided was, to allow any one, on proof of such abandonment before the council, to obtain from that body an order permitting him to take possession as owner; such order on the records constituting evidence of perfect title.

Legislative interposition was also found necessary in another particular concerning lands. In the infancy of the settlement there were few or no roads. The country north of Albemarle, where they were, has many streams, navigable for vessels larger or smaller, and by these chiefly the products of the earth were transported, and communication was maintained between the inhabitants of the different parts of the colony. Boats were, in that day, more numerous than horses. Under such circumstances, every one about to enter land and obtain a grant would select, as far as was possible, the whole body of it in a narrow belt on some creek or river, that he might obtain lands uniformly rich, and have facility of transportation from all parts of his plantation, bounded, as it thus would be, on one side by the stream. The consequence of this mode of proceeding was to render the lands in the interior, off the streams, much less desirable, while it also retarded the establishment of towns on the water-courses thus appropriated by the proprietors of large plantations. These were evils under which, as was well known in Carolina, Virginia had suffered.

After some experience of these evils, the legislature enacted that whoever thereafter would enter lands, must first obtain, from the secretary's office, a warrant directed to the surveyor-general, in which the quantity of land he would enter must be particularly mentioned. This he was to give to the surveyor, with particular information of the locality in which he would have the survey made: within eight months the survey and return thereof would be made, unless the surveyor had in his possession a previous warrant of survey for some one else, in the same locality. But if the survey was to be made on a navigable stream, the line from

[1] MSS. Laws, p. 295.

the stream into the interior was not to be less than one mile, and no one tract could be surveyed of more than six hundred and forty acres (one square mile); nor could two tracts of that size be surveyed for the same individual, without placing them at least two miles asunder: so that, lawfully, there could be no original survey of a tract or plantation with a water-line of more than a mile. When the land was not on the water, the six hundred and forty acres were to be laid off, as nearly as possible, in a square. They also provided that mere warrant and survey should not constitute a title, without the issue of a regular grant or patent thereon. At a later period, when some advance had been made toward permanency of settlements, they increased the quit-rent to one shilling for every fifty acres, and made the grant void if "not seated" in three years; defining "seating" to mean, "building a habitable house, clearing, fencing, and planting at least one acre."

They very wisely concluded that the true policy of the country was to encourage a *permanent* occupancy of the *land*. Hence they made seven years' actual, undisturbed possession, under "*any* sale," or "indorsement of a patent," or "*otherwise*," a good title against all the world. They established an office for the registration of all conveyances and mortgages of lands, and provided a mode as a substitute for fine and recovery, in the conveyance of lands by a femme covert. It is that which still prevails, the acknowledgment or proof of the execution of the deed by the wife, and her private examination by the judge or proper officer, as to her having acted voluntarily and without constraint in signing.

In furtherance also of the great predominating wish to increase the population, they made a difference between the foreign and domestic creditor, giving to the latter the preference; and in the case of a foreign debt, actually prohibiting, we are told, suit on it as *against a new-comer*, for five years after his arrival in the country.[1] This may be true: we are bound, however, to state that we have sought in vain for any such statute in our early manuscript laws, though Chalmers says there was such an enactment.[2] There

[1] 1 Martin, p. 145.

[2] Polit. Annals, p. 525. A friend, B. F. Moore, Esq., has also assured the author that he has seen such a law among our earlier enactments. We will not, therefore, positively deny its existence, though we must add that we have sought for it in vain.

is, however, an early law on the subject, which provides that any one constituted an attorney for a creditor residing out of the province, shall not bring suit on any foreign claim, without first giving bond and security for costs. But this done, he might sue at once; and if a judgment should be obtained on such foreign claim, it was enacted that no execution should issue thereon, until all actions and suits against the same defendant, then depending on home contracts, were satisfied or discharged. Such satisfaction, however, was required to be made within a reasonable time after judgment on the foreign claim,—the time to be named by the judge, when he rendered judgment on the foreign claim. Nor could execution issue until all home debts that were made legally to appear against the defendant, *within six months after judgment on the foreign claim*, were also satisfied, within a period to be named by the judge as before. But if the home creditors failed to act in securing their debts within the time named by the court for their benefit, then the plaintiff's attorney, in the judgment rendered on the foreign claim, might sue out his execution and have it satisfied, if there were property on which to levy. It is easy to see the facility here afforded for fraudulent connivance between a debtor and a pretended home creditor, in defeating the satisfaction of a just debt from abroad. The law was radically wrong in principle. It was unwise as well as unjust, in thus distinguishing between debts due at home and abroad.

This most inequitable enactment formed the subject of remonstrance and complaint to the crown many years afterward from the merchants of London, and was finally abrogated. But it continued in force several years, and shows, in the approval of it by the lords proprietors, *their* deep solicitude to entice settlers into the country. Its impolicy is as patent as its injustice, for much was not to be hoped for from such emigrants as it protected; but it did not cease to be law until the proprietary rule was over.

One other law for the encouragement of population remains to be noticed. It has given rise to some abortive efforts at wit, which, if genuine, would, we think, be sadly misplaced; and has, beside, sorely troubled the over-sensitive consciences of some of later times, the gnat-strainers and camel-swallowers who thank God they are "not as other men are." We allude to the law concern-

ing marriages, one of the very first enactments on the statute-book of the first legislators. And here we prefer to set forth their conduct in their own words.

"Forasmuch as there may be divers people that are minded to be joined together in the holy estate of wedlock; and for that there is no minister yet in this country by whom the said persons may be joined in wedlock, according to the rites and customs of our natural country, the kingdom of England; that none may be hindered from so necessary a work for the preservation of mankind and settlement of this country: It is enacted, and be it enacted by the palatine and lords proprietors of Carolina, by and with the consent and advice of the present Grand Assembly, and the authority thereof, that any two persons desirous to be joined together in the holy estate of matrimony, taking three or four of the neighbors along with them and repairing to the governor or any one of the council, before him declaring that they do join together in the holy estate of wedlock, and do accept one the other for man and wife, and the said governor or councillor before whom such act is performed giving certificate thereof, and the said certificate being registered in the secretary's office, or by the register of the precinct, or in such office as shall hereafter be appointed for that use, it shall be deemed a lawful marriage, and the persons violating that marriage shall be punished as if they had been married by a minister, according to the rites and customs of England."

It is difficult to conjecture any other course, which, under the circumstances, they could reasonably have adopted. The very fact that any plan was devised to afford a legal and decent mode of entering into the marriage contract, certainly implies that the moral sense of the community revolted at general concubinage. And what could the legislature do but consider marriage as being, what in the eye of the municipal law it certainly is, a *civil* contract only? It is indeed a contract to which religion, by her sanctions, may properly impart additional solemnity; and the Christian may well believe that its obligations are enforced by Divine authority. No wise legislature will ever be found making laws to relax those obligations; but as little will it be found to treat the tie otherwise than it treats all other lawful engagements, vol-

untarily made by competent contracting parties, as a civil contract merely. There were many of the early colonies of America that allowed to the magistracy power to unite parties in marriage; and in some, as in New England, there was no dearth of ministers. In many, the power exists to this day, simply because the municipal law considers the contract as civil merely. The society of "Friends," even now, know no ceremony in marriage, beyond the public declaration of the parties before the congregation, that they then and there enter into a contract to be to each other husband and wife, and the signing of a certificate by those present of their public declaration. Now, at the very time this law was made, there were "Friends" residing in the province, whose marriages, thus solemnized, were considered legal, and offended no sense of propriety, much less shocked the sensibilities of the most austere piety. And these "Friends" were entitled, by express grant from the proprietors, thus to adhere to their peculiar usages; for they had declared to them as an inducement to emigrate, "there is full and free liberty of conscience granted to all, so that no man is to be molested or called in question for matters of religious concern; but every one to be obedient to the civil government, worshipping God after their own way."[1] What more did the legislature by its act than substantially apply the lawful usages of the "Friends" to the other inhabitants of the province?

Indians.

Another subject that must have demanded attention from the first moment of settlement, was the relation of the colonists to the natives around them; and it is a proud testimony that Lawson bears, when he writes: "It is remarkable that no place on the continent of America has seated an English colony so free from bloodshed as Carolina—which is worthy of notice when we consider how oddly it was first planted with inhabitants."[2] This he wrote in 1709, up to which time there had indeed been almost no bloodshed. Little, however, did he then think that in the war with the Tuscarora and Core Indians, which occurred three or four years

[1] Brief Description of Carolina: London, 1666, p. 6. Ante, p. 40.
[2] Lawson's Carolina, p. 86.

afterward, and of which the particulars will be found in our future pages, he himself would be one of the earliest victims, encountering a death as cruel as savage barbarity could devise. Still, we believe it to be true, as he has stated, that during the first years of the proprietary rule, and indeed up to the war above named, the relations between the whites and Indians were very amicable.

In the instructions given by the lords proprietors to their governors, we find a commendable solicitude on this subject: "You are to take great care that the Indians be not abused, and justice be duly administered to them in our courts, and that you endeavor your utmost to create a firm friendship with them."[1] The legislature was not wanting in efforts to the same benevolent ends. Thus we find laws regulating trade with them, and strangers prohibited from coming in to carry on such trade; because, as we suppose, such strangers violating the law and imposing on the Indians, escaped all penalty by immediately returning home to Virginia. Again, we find the molestation of an Indian by a white man positively prohibited under a penalty, with a power allowed to the Indian of making complaint of such molestation to the governor and other authorities; and even when a wrong was done by a native to his white neighbor, in the destruction or theft of his property, the injured white was not permitted to exercise the "blind justice" of revenge. There were "commissioners for Indian affairs" appointed, and before these, or some of the neighboring magistrates, the offender was to be brought; and they, taking as an associate "the ruler or head-man of the town to which the Indian belongs" (thus speaks the statute), might try the accused, and punish him if guilty. The savage, however, had a right of appeal from their decision to the governor and council. Before the same tribunal all matters in dispute on contract, between a white and a native, were to be brought and equitably adjudicated. A right of appeal was reserved in these cases also. And to prevent occasions of dispute, no white man was allowed to buy any lands from an Indian.[2] If an Indian committed a mur-

[1] MSS. in office of Secretary of State. Records of Council.

[2] MSS. Laws, and Records of Council.

der on a white, the case was tried by the governor and council;[1] if on an Indian, he was left to the tribe to which the murdered man belonged.[2] These indicate the character of the legislation toward the native; and the records which we have consulted of this early period justify the statement, that our ancestors, during the first years of their settlement, pursued a policy toward the savage alike humane and wise. Its subsequent change, as will be seen hereafter, was not dictated by the spirit of wanton cruelty, but was forced upon them by a stern necessity, created not by their act, but by the wickedness of faction, imposing on the ignorance of the untutored savage.

Agriculture.

Settlers who would subdue the wilderness and cultivate the earth having been obtained, and such relations with their savage neighbors as would insure them security and peace having been established, it was but natural that, so far as agriculture needed legislative regulation and encouragement, it should next receive attention. Accordingly, we find, among the earliest laws, some regulating the height and proper construction of fences; some enjoining the marking annually horses, cattle, and stock, requiring each man's brand or mark to be duly registered in the records of the precinct,—imposing penalties for mismarking or altering a mark; and, in short, seeking to afford all possible protection to those honestly engaged in promoting the increase of domestic animals in the country. As an evidence of their earnestness in this respect, and as a feature in the picture of the times, it is worthy of note, that if one who killed or stole a domestic quadruped could not pay the penalty, which, in the first instance, was pecuniary, another penalty was provided, somewhat startling to modern modes of thinking. If the thief were an unmarried man, he was *sold* for two years into bondage to any one who would take him for that period and pay the penalty; and if he were married (as his family might suffer from the loss of his labor), he was punished for the first offence by twenty stripes at

[1] Records of Council.

[2] Archdale's Carolina, Charleston ed., p. 12.

the public whipping-post, and required to give security to offend no more in like manner. For the second offence he received thirty-nine stripes, and was transported out of the government. It was made penal also to drive the stock of another off the owner's land without permission; and as Virginians, who came over to buy cattle and stock, were, according to the preamble of the law, somewhat addicted to "driving away cattle or hoggs which they had not purchased," it was thought advisable to guard the passes. And as the roads into Virginia were not then very numerous (there were but three), toll-gates were established upon each at the boundary line, and every drover going into Virginia was obliged to enter on the toll-books a minute description, with all its marks, natural and artificial, of every animal in his herds, droves, and flocks. The reader probably will be disposed to think that "Rogue's Harbor" does not appear, at that time at least, to have been exclusively on the southern side of the line.

There was another unneighborly act, which the same statute brings to our notice. As the climate was not severe, it was common then, even as it is in some parts now, to drive cattle and hogs to regions best furnished with food for them, "to winter," as it is termed. The Virginians were in the habit of thus disposing of their animals on the Carolina side of the line, and the rangers were directed to seize all such animals from Virginia, except when their owner was the proprietor of lands in Carolina, which were occupied by his tenants.

Lands (sometimes after clearing and occupancy) escheated to the lords proprietors by non-payment of the quit-rent, or failure to comply with some condition of the grant. That they might not lie uncultivated or useless, an escheator-general was appointed, and it was lawful for any one to apply, by petition, to the governor and council for such lands, which were granted to the petitioner on the payment of two pence per acre, if the escheator-general reported, after inquisition held, that the former proprietor had forfeited them, and they had lawfully escheated.

Another custom, borrowed undoubtedly from the practice in England, of walking annually around the bounds of a parish, with some of the younger inhabitants, in order to fix its limits in their memories, was introduced, and made the subject of a law, under

the name of "*processioning.*" This provided that, once in every three years, a procession of the inhabitants of the district, under the supervision of two freeholders, appointed for the purpose, should walk around the boundaries of each tract for which a patent had issued, and renew the boundary marks where necessary. This was to be done at a period of the year to be designated by the vestry of each parish, in districts made by them to suit public convenience; and its object was to fix boundaries in the memory of many individuals, and thus prevent lawsuits on questions of boundary. All these "processionings" were to be returned to court and duly recorded; and after the lands of any one had been thus lawfully "processioned" *twice*, he was to be deemed the sole owner; and in any suit thereafter touching his title, he might plead the general issue, and give this act in evidence.

A premium was offered, also, for the destruction of wolves, wild-cats, panthers, and squirrels; from the depredations of all which, the agriculturists are said to have suffered much in the early days of the colony. In the work of destruction the Indians were found to be especially useful, and a larger premium was given to the native than to the white man.

But corn was planted and matured in vain, if it were not converted into bread. There were no mills in the country at first. The grain continued for some years to be reduced to meal by the use of the pestle and mortar. Every encouragement was therefore given to the erection of mills. The law enacted, that if any one were desirous of erecting such a construction for the benefit of the public, whether to be worked by wind or water power, he might select his site on any man's land that afforded a proper situation. On his application to the precinct court, the surveyor-general was ordered to lay out, if for a water-mill, two acres, and if for a wind-mill, half an acre. The applicant was also at liberty to use any of the timber growing on the adjacent lands, in erecting the mill; but sworn appraisers were to value the land and timber taken, and the owner was obliged to dispose of them to the mill-builder at their valuation. The proprietor, however, had two privileges reserved to him: first, his garden and orchard could not be taken as a mill-site; and, secondly, he might, if he pleased, build and own

the mill himself. If he did not act on this latter privilege, then the applicant might take the site, but was bound to erect the mill within two years.

Servants and Slaves.

Another point intimately connected with agricultural pursuits, was the protection of each man's rights in the particular of labor. Slavery existed in Carolina from the beginning of its settlement. Before the grant to the lords proprietors, and before the establishment of any organized government, settlers came from Virginia into Albemarle, and there is reason to believe that the first African slaves were brought in by them on their migration. Beside these, however, there were also Indian slaves, who had been made so for crime, or sold, by some of their own race, as captives taken in war. There was yet a third class of bondmen: this consisted of whites who had been indentured in England and brought by their masters into the colony; or of such as had been made apprentices by the courts of the province; and to this class also belonged all such as had been kidnapped in England, brought over and sold; and such as, by act of Parliament, had been transported to the colony for crime and then sold, for a term of years, to the highest bidder. But of this subject we shall have occasion to speak more particularly hereafter. It suffices for our present purpose to say, that, at the period of which we are now writing, all these forms of servitude existed in the province.

The law that was framed to secure to the master the services of his laborers, enacted first, as to whites, that all who came under indentures were, of course, to serve for the time named in the indentures. All imported, not under indentures (that is, the kidnapped and criminals), if above sixteen years of age, were required to serve those who bought them for five years. If they were under sixteen when imported, then they were to remain servants until they attained the age of twenty-two years; and to determine the age, the master or mistress was bound, within six months after their importation, to present them to the precinct court for inspection, and that tribunal decided as to what should be deemed their age. If they were not thus presented to the court, then they were

to be classed with those over sixteen, no matter what was their real age, and serve but five years.

If one of this class absented himself from his master's service without permission, he was bound to serve for double the time thus lost, and as much longer as the court should see fit to adjudge. The master had also power, under the law, to administer moderate correction to one of this class; and corporal punishment was expressly named as the penalty, if a white servant laid violent hands on his master or mistress, or on an overseer under whom he might be placed. If the servant was corrected in excess, he or she had the right to make complaint to the nearest magistrate, who was required thereupon to bind the master over to the next court to answer therefor, and also to take security from the master that he would not, in the mean time, abuse or misuse the complaining servant. The master was also required, during the continuance of the servitude, to provide for the servant competent diet, clothing, and lodging; and, at its close, was bound to give him or her three barrels of corn, two new suits of clothing, and, in the case of a man-servant, a gun also in good order.

If a female white servant became pregnant and gave birth to a child during the time of her servitude, beside being punished by the law for her lewdness, she was made to serve her master two additional years, unless the master were himself the father of her child; in which case, she was not bound to serve the partner of her crime two additional years; but was to be sold by the churchwardens for two years after her service expired, and the money was to be applied for the benefit of the poor; while her innocent offspring was, under any circumstances, to be bound out by the wardens until it reached the age of *thirty-one* years: that is, to be made a slave for about half a lifetime. If a negro, mulatto, or Indian were the father of the child, then, beside two years additional servitude to her master, she was subjected to a further penalty, at the expiration of her service, of six pounds, to be paid to the wardens for the benefit of the poor.

As to the Indian, mulatto, or negro slave, whose bondage was for life, none such, except those who waited on the master's person, or wore his livery, could at any time leave the plantation, unless a white servant of the same master were with him; or unless he

had a written permission, signed by the master, the mistress, or the overseer, distinctly specifying the place from which he came, and that to which he had permission to go. Anybody might apprehend a slave found beyond the limits of his master's plantation, save under the circumstances above named; nor would even the written permission, or "ticket," as it was called, avail him, if he carried a gun or any other weapon, unless the document particularly stated that he carried such weapon by express permission. When a slave was arrested under this law, he was to be carried immediately before the next magistrate, who had a discretionary power to inflict on him corporal punishment. The apprehender was then bound to carry him immediately back to his master, by whom he was to be paid for his trouble and expenses. If, however, the master was not known, then he was to deliver the slave to the provost marshal, who was to advertise him in every precinct, and put him to work, to defray the expense of his maintenance until his master appeared. In cases of absolute necessity only, might he put the slave into close confinement.

A master might set any of his slaves free "for honest and faithful service," provided the emancipated was "good and orderly;" but the owner was not allowed to make a contract with any "refractory" negro for his freedom under any circumstances. If one were set free, he was required to leave the province or government within six months, under penalty of being sold for five years to whosoever, at the end of that time, would transport him out of the country. As to runaways, whether white servants or slaves, whoever harbored them a longer time than one night, was subjected to a penalty of ten shillings for every twenty-four hours beyond that time. If a slave ran away, and had been lying out for two months, and a white man endeavoring to apprehend him, found that he could not do so without taking the *life* of the slave; if he did so, the homicide was not to be deemed *murder*, provided the person apprehending the slave made oath that without killing him he could not take him. There was a barbarity in this enactment which admits of no apology. Happily, the value of the slave's labor, and, let us hope, the cruelty of the law itself, made it a dead letter. In the allowance of many claims during this period by the proper authorities, the records do not show one of any demand

ever made on account of a slave killed in his capture; though the law in such case allowed to the owner a poll-tax on every tithable slave in the whole government, sufficient to compensate for his pecuniary loss, as estimated by the court of the precinct.

Sometimes, however, a slave committed a crime for which his life was, by law, justly forfeited. In such case, a court was constituted, by this statute, for his fair trial. It was composed of three justices of the precinct court, and three freeholders, all of whom were required to be also the owners of slaves. By them a full investigation was made, and the slave had ample opportunity (assisted by his master or counsel employed by him) of making his defence. The court had power of passing sentence and awarding execution. To a similar tribunal it also belonged to try a slave for offences not capital, and to punish them by dismemberment or other corporal punishment. The records show dismemberment to have been applied to but one species of crime, that of animal passion, gratified with brutal violence, at the expense of female helplessness. Emasculation was the penalty.

White servants might lawfully marry; but no white person, bond or free, was permitted to intermarry with a negro, mulatto, or Indian, under a heavy penalty; nor could any clergyman, or other person authorized to marry, perform the ceremony between such parties, without payment of a heavy fine.

Finally, no one was permitted to trade for any commodity with a servant or slave, unless he produced the written consent of his master to authorize such traffic. The law concerning servants and slaves, as here presented, was required to be publicly read, twice a year, by every clergyman, and when there was no clergyman, by the clerk of the precinct court.

Trade and Navigation.

It was scarcely to be expected that, in the first years of the settlement, the excess of its productions would furnish much material for commerce. And yet it was not long before some trade with those without sprang up. The men of New England, after planting themselves in Massachusetts, within a short period found their way to the Chesapeake, and made to it their periodical

trading voyages. Carolina was scarcely peopled before the small craft of the enterprising and industrious New Englander floated on the waters of Albemarle. Small, however, as was the trade, considered in a pecuniary point of view, it involved, in its progress, very important points, which brought the colony into direct conflict with the laws of the mother country, and led to results that deeply affected the authority both of the crown and proprietors, and produced the troubles of rebellion and the confusion of anarchy in the colony itself. Of these particulars we shall speak in detail hereafter, in the proper place. Suffice it now to call the reader's attention to the legislation intended merely to facilitate the operations of trade and navigation.

Money in specie was a rare commodity; the preamble to one of the laws of the period declares the country to be one in which "silver money is scarce to be purchased at any rate." And yet without currency, or a substitute for it, there could be no trade. Hence they resorted to the primitive mode of buying and selling, by an exchange of articles in specie, at a certain fixed rate of valuation for each article, declared by law. By this law certain productions were entitled "staple commodities;" and, when there was no express agreement that the debt should be paid in sterling money, all persons were bound to take payment in the enumerated commodities, at their rated value. Nor was the list of these very small: thus we find named, tobacco, Indian corn, wheat, tallow, leather, undressed skins, butter, cheese, feathers, pitch, whale-oil, pork, beef, hemp, rice, and turpentine. No creditor, however, was forced to receive these articles in payment unless they were declared by substantial freeholders, upon oath, to be good and merchantable. As to bulky articles, such as corn, wheat, pork, &c., the place of payment was at some one of the usual landing-places on the navigable streams, where such commodities were commonly shipped; and the creditor, upon notice given him by the debtor, was required to attend at such places to receive his payment. Some of these articles, it will be observed, were liable to spoil by keeping; and therefore an execution could be levied on such at particular times only. Thus on pork, the levy was required to be made between the 1st of September and the 1st of the following March. If the pork were barrelled, it could be

taken between the 1st of January and the 1st of May only. Wheat might be seized between the 1st of July and 10th of September, and Indian corn at any time between the 1st of January and the 1st of the June next following. A standard of weights and measures was also established, and a penalty was imposed on those who bought or sold by any weight or measure (unless previously stamped in England) which was not duly examined and stamped by the standard-keeper of the province. The size of barrels was regulated, and coopers not conforming thereto were punished by fine.

It must not, however, be supposed that no *coin* at all ever found its way into the province. The gold, silver, and copper of England were sometimes seen; and so also were occasionally pieces of the metallic currency of other countries. Thus we find a law fixing the value of "the Lion dollar," as it terms it, as equivalent to three bushels of Indian corn.[1] And probably this was the most common foreign coin seen in Carolina, as we find no law made to settle the value of any other.

Having thus furnished themselves with the means of traffic, which, as will more fully be shown hereafter, they increased from time to time by issuing "bills of credit," they next directed attention to getting vessels in and out with safety. Roanoke and Ocracoke were the only inlets they used, and they legislated for the improvement of these. As to the first named, they appropriated £250 out of the impost money, which by law they levied on all vessels entering, to facilitate the navigation at that inlet, and "help vessels over the shoals, particularly over one called '*Heave away, boys*,' by lighterage."[2] Whether the shoal, whose name sufficiently indicates the toil it imposed on the mariner, be still known by its significant appellation, is more than we can say; but if it be not, its place has undoubtedly been supplied by a shallow not less troublesome: and the very inlet itself, long since use-

[1] The "Lion dollar" was a coin of Holland, and its value was ascertained by Sir Isaac Newton when he was master of the Mint. It may be found in his table, printed by Postlethwhaite, in his Dict. of Commerce, vol. i. p. 528. It was two thirds of a *ducaton*, which was worth five shillings and sixpence halfpenny sterling. The "Lion dollar" was worth forty-three pence and seven hundredths. It was so called to distinguish it from the rix-dollar [reichs-thaler], that is, dollar of the realm.

[2] MSS. Laws.

less for purposes of commerce, might suggest an appropriate exclamation, "Heave away, boys!" to those who would throw money into the sea, in the futile effort *permanently* to deepen Roanoke Inlet.[1] Ocracoke came in also for a share of legislative patronage. All the "powder money" payable at Bath (that is, all the money paid in lieu of powder, which every vessel entering was bound by law to supply, according to her tonnage), was ordered to be applied to helping vessels bound to that port over Ocracoke and the shoals within it. The channels at both the inlets were ordered to be buoyed out, and beacons were to be set. Constant search was directed to be made for the best channels, under the supervision of a commissioner appointed for that purpose, who was required to report every three months. The commissioner had power to keep men constantly employed in opening channels and fixing buoys. Anybody's timber might be taken to make these buoys, and masters of vessels were not permitted, on any account, to throw ballast into the channels. For the accommodation of vessels entering Ocracoke, twenty acres of land, convenient for landing and watering, opposite the harbor known as "Tatche's" [Teach's] Hole, were laid out, that masters might land goods or obtain water without molestation of the owner, who was to be compensated out of the public treasury. Pilots, after examination into their qualifications, were appointed by the governor for each inlet, and large privileges were allowed them to induce good men to undertake the work, as well as large fees for the performance of their duty, which could be paid in sterling money only. They were to board vessels outside and pilot them in; or, if the weather would not permit, were to communicate with them by signals. In short, no effort was wanting on the part of the legislature to facilitate, in every possible mode, the operations of navigation; and yet, from the records of the custom-house, at a period very little later than that of which we write, we learn that the largest vessel that entered for twenty years did not exceed *eighty* tons burden, and that of one hundred and fifteen vessels that entered, ninety-six were of less than *fifty* tons.[2] As the charter to the lords proprie-

[1] Vide vol. i. p. 118.

[2] Custom-house records of Port Roanoke from 1732 to 1752, MSS. Port Roanoke was the shipping port of the *whole* Albemarle settlement.

tors conferred on them the power of making seaports, the legislature passed an act for incorporating "the seaport of Beaufort in Carteret," for the purpose, as they declared, of "encouraging trade and commerce;" and a part of the money derived from the sale of lots is directed to be expended in "purchasing great guns, and for fortifying the said town." This is the only enactment we find establishing a "seaport," *eo nomine;* but "for the encouragement of trade and merchandise in the town of Edenton," which, by the way, the statute somewhat ambitiously styles "the metropolis of this government," permission was given to the proprietors of lots on the water, to build wharves, piers, &c., to the edge of the channel, and to erect storehouses thereon. It seems strange that, knowing Beaufort harbor as they did, they should not have so appreciated its advantages as to direct all their energies toward making it their commercial mart.

Religion.

Both the patents of King Charles to the lords proprietors of Carolina, while they proceeded on the ground that the Church of England was to be also the established church of the province, yet allowed a liberal toleration to all of the settlers who, from conscientious scruples, could not conform to her liturgy and doctrines, provided they neither insulted the Church nor disturbed the government. Very soon, therefore, after a legislature was established, religion formed the subject of one of its enactments. Sunday, of course, was to be observed as a day of rest and religious observances; but in addition to this, another day was made by the statute a day of humiliation, fasting, and prayer, viz., the 30th of January, in commemoration of the "martyrdom" of King Charles I.; while the 29th of May, the anniversary of the birth and restoration of Charles II. was to be celebrated as a holyday. To these was added, at a later period, the 22d of September, as a day of fasting and prayer, in remembrance of the massacre of the whites at Bath, by the Tuscarora and Core Indians in 1711.

As to Sunday, the law required that all persons should apply themselves "to the holy observation thereof, by exercising themselves publicly and privately in the required duties of piety and

true religion." All worldly labor by artisans and others was to be intermitted on that day, and no hunting or fishing was allowed. Every offender against these enactments, if of the age of fourteen years, was to be fined ten shillings for each offence. No gaming or drinking was to be permitted under a penalty of five shillings. If a master or mistress permitted a servant to violate these enactments, they were made to pay a like penalty. No planters nor merchants, nor the servants of either, were to use any boat, except in a work of necessity or for the purpose of attending divine worship, on any of the days above named. Neither was any ordinary keeper to sell any intoxicating drinks on these days. And "whereas the odious and loathsome sin of drunkenness" had, as the law states, "of late grown into common use within this province, and being the root and foundation of many sins," it was enacted that every person who should become intoxicated should pay five shillings for each offence, and that when committed on any of the days before named, the penalty should be double. Profane swearing and cursing, by a private person, was punishable by a fine for each oath; and if the offender were a public officer, then the fine was double: and to swear profanely before any court sitting, subjected the offender either to the immediate payment of five shillings for each instance of profanity, or, on failure, to be placed for three hours in the stocks by order of the court. All these penalties might be levied by distress on the warrant of a single justice; and where there was inability to pay, confinement in the stocks was the substituted punishment. All the forfeitures before named were to be paid to the church-wardens,—one half to the use of the poor, and the other half to the informer. To these enactments there were two provisos: the first was, that dressing necessary food in private or public houses, on the days named, should not be deemed a desecration and punishable: and the second was, that all prosecutions, under the law, should be commenced within ten days after the offence.

The acts on the subject of religion had also an eye to the *morals* of the community, so special in certain particulars, that it may perhaps beget a suspicion that the profligacy denounced was not infrequent. If any person were convicted of fornication, an offence which came within the jurisdiction of the precinct

court, the penalty was fifty shillings on each conviction, or a whipping, not exceeding twenty-one lashes, at the court's discretion. If the conviction were for adultery, the penalty was five pounds, or a similar whipping. The preservation of morals, however, does not seem to have been the sole prompter in the enactment of the laws on bastardy: there was a prudent regard to the expenses which unacknowledged and helpless children might bring on the colony. The legislators resolved, that, as far as possible, a bastard in Carolina, though, technically, *filius nullius*, should not be so in reality. Therefore, any two justices, on their own knowledge, or on information laid before them, might summon into their presence any single woman that was pregnant, and require of her, upon oath, to declare the father of her unborn child: they might also command the presence of the person she named as father, and require of him to give a bond for the maintenance of the child when born, and to abide all orders the precinct court might make in the premises. Nor does the individual charged as father, seem to have had, at any stage of the proceedings, the right of denying the fact of paternity.

If, however, the poor victim of passion, or poverty, or love, as it might chance to be, declined to name her partner in sin and shame; or if, naming him, he refused to give bond, then the justices might commit to prison until the party committed should be discharged by the precinct court. And the court had power to inflict "corporal; or such other punishment, as they might think proper, for such contempt."

There was another offence against good morals, which the laws on religion endeavored to restrain and correct. Many persons (so says the preamble to the statute) came and settled in the province as man and wife, when, from their conduct, or from information received, there was reason to believe they bore to each other no such relation as they professed, but were actually married to others. Hence it was enacted that every man and woman thus coming into the province, from foreign parts, as man and wife, if accused by common fame or credible report of not being so, should be carried before the next magistrate, who might (if the case seemed to him so to require) allow them twelve months within which to produce the certificate or other evidence of their

lawful marriage; if, however, it was not produced then, the parties were to be "treated as vagabonds and expelled the government." Every minister in the province was required to read publicly all these provisions on the subject of religion twice a year; and in precincts without a minister, the clerk of the precinct court was bound publicly to read them during the sittings of the court in the spring and autumn of each year.

Another law on the subject of religion declared the Church of England to be the only established church in Carolina, and divided the province into nine parishes. *Chowan* precinct contained two, separated from each other by Albemarle Sound and Chowan River, and known respectively as "the Eastern parish" and "Southwest parish." *Pasquotank* precinct had in it two: these were, "Northeast parish" and "Southwest parish" of Pasquotank, separated by the Pasquotank River. Each of the precincts of *Perquimons*, *Currituck*, and *Hyde* formed a parish, having for limits the boundaries of the respective precincts. *Pamptico* River and the branches thereof, "commonly called *Beaufort* precinct," formed a parish, and was named "St. Thomas;" and a parish by the name of "Craven parish" was formed "on Neuse River and the branches thereof." To this last, all the settlements south of it were to belong, until a further division should be made.

The law proceeded to enact that for each of these parishes there should be a vestry, composed of the minister, wherever there was one, and twelve laymen; and the act declared by name who the vestrymen in each parish should be. Within forty days these vestrymen were to be summoned by the marshal to meet, and were bound under a penalty to convene, and take the oaths prescribed by the laws of England for vestrymen in that kingdom. Each was also required to subscribe a declaration, that it is not lawful on "any pretence whatsoever, to take up arms against the king;" and further, that he would "not oppugn the liturgy of the Church of England, as it is by law established." If any one refused compliance with these requirements, he forfeited his place as a vestryman; and, if not a known and avowed dissenter, was subject also to a penalty of £3. The vestry, having thus qualified themselves to act, chose, from their own number, two to act as wardens for a

year. The statute enjoined it on the vestries to "do their best to get good ministers," and authorized them, by a tax per poll, not to exceed five shillings each on every taxable in the parish, to raise for the minister a salary of at least £50 per annum. But there was a proviso, that to entitle himself to this salary the minister should reside constantly in his parish, and should not be absent from duty more than one sixth of the Sundays in the year, without leave. The wardens and vestry were also empowered to lay a tax of five shillings per poll to raise a fund wherewith to purchase glebes and erect churches and chapels. The payment of this tax they might enforce by a double distress; and all penalties under this law they were required to appropriate strictly to parochial purposes only, rendering an account once a year to the vestry of all their official acts. The wardens (who were the executive officers) were allowed a commission of three per cent. on all their expenditures; and if they neglected to raise and pay over any sum of money, as directed by a vote of the vestry, they thereby became *personally* liable for all sums thus directed to be raised.

As to marriages, the English table of prohibited degrees was ordered to be set up by the wardens in each church; and no parties, within the prohibitions there named, could be married, without the payment of heavy penalties both by themselves, and by the person performing the ceremony. If there was a clergyman in the parish, no layman could perform the marriage ceremony under a penalty of £5, one half of which was given to the clergyman.

As to burials, it was enacted, as well for decency in the rites of sepulture, as to prevent or detect crime, that every planter should set off on his plantation a grave-yard for the interment of all Christian persons, bond or free, that might die on the plantation; and the dead should be buried in that yard only. This is the origin of the numerous private grave-yards now existing on many plantations. Before interment, however, the planter was required to call in three or four of the nearest neighbors to view the corpse: if any marks of violence appeared on it, the coroner was immediately to be summoned. The penalty on the planter for failing to comply with this law was unusually large for that day. He was excused from strict compliance in two contingencies only: the

first was, when the deceased, during life, had requested to be interred in some other place; and the second was, when, after keeping the body as long as possible, the neighbors who were called in to view, failed or refused to come.

Having thus provided for the establishment in legislating on religion, it next became necessary to declare what should be the law in the case of those who did not belong to the establishment. Of these there were two classes: the Quakers who had come over from Virginia, and of whom we shall speak particularly hereafter; and some few Protestant dissenters, who had found their way from England, and some of the other colonies, into Carolina. As to these last, the law permitted them to hold their religious meetings without molestation, provided they were *public;* and they were further declared to be subject to all the English statutes, touching the toleration of dissenters in the mother country. As to the Quakers, nothing was enacted specifically touching their meetings, which, from their first coming, they had always held without molestation; and their affirmation as witnesses was substituted for the oath required of others: falsely to affirm was made perjury. But it was expressly enacted that no Quaker could be a juror, nor a witness in a criminal cause; nor could he hold any office of profit or trust. These latter provisions, however, we think, were added after the rebellion and civil disturbances of the provincial government, in which the Quakers bore a prominent part in the resistance to lawful authority.

Militia.

Surrounded, as the first settlers were, by savages whose disposition toward them they had yet to learn, it will readily be perceived that among the earliest subjects of attention must have been that of providing, by some military organization, for the common defence. After experience in the bloody war of 1711 with the Tuscarora and Core Indians, the organization of the military department was made more perfect still, and the outlines of the system were as follows: All freemen between the ages of sixteen and sixty were directed to be enrolled, and a list of each company was to be taken by its captain annually: one copy of

this list was to be sent to the governor, and one to the colonel of the regiment to which the company belonged. Every private, when called out to parade, was bound to appear with "a good gun, well fixed, a sword, and at least six charges of powder and ball." Those exempt from military duty were—all ministers of the Church of England, practising physicians, chirurgeons, deputies of lords proprietors, the secretary of the province, the attorney-general, all members of assembly, clerks of courts, the provost marshal, constables and justices of the peace; and all who had been proprietors' deputies, secretary, attorney-general, provost marshal, justice of the peace, or captain of a militia company. These exempts, however, formed a reserve corps, and species of body-guard to the governor; as they were required, at all times, to be provided with arms and ammunition fit for immediate use, and "to be ready in all times of danger to wait and attend the governor's commands."

In case of invasion, or war with the Indians, the governor might call out what portion of the force he deemed necessary; when every soldier, thus summoned, was bound to appear with his arms, and at least one fourth of a pound of powder, and a pound of "geese or swan shot, or bullets," and to march, when ordered, against the enemy. If any one was wounded in the service, and thereby disabled from future labor for his support, he was not only to be cured at the public expense, but was also to have a negro-man given to him to labor for him. If a soldier was killed in the service, the negro-man was to be given to his family.

If a soldier, when on duty, resisted, or refused to obey, a command of his officer, he was to be punished, without court-martial, at the captain's discretion. The punishments enumerated in the law are, "tying neck and heels, running the gauntlet, riding the wooden horse, or otherwise." If in any expedition against an Indian enemy, a soldier deserted his colors, in such case he was to be tried by a court-martial and punished, according to martial law, with any penalty "short of death." The field-officers of a regiment were a colonel, lieutenant-colonel, and major: the commissioned officers of a company were a captain, aid-major, lieutenant, and ensign. The pay of the colonel was ten shillings per diem; that of the private was one shilling and sixpence; not in

sterling, however, but provincial currency. In order to provide a magazine of ammunition, it was also enacted that every vessel, entering any of the ports of North Carolina, should pay a tonnage duty of one pound of gunpowder, four pounds of swan-shot, and twelve flints, for every three tons of her burden; or ten shillings in lieu thereof. From this tax, however, vessels built in the country, or owned in whole or in part by an inhabitant, were exempt; as was also any vessel that brought in and landed four hundred bushels of salt.

Distribution of Estates.

The colonists, though not possessed of large estates, yet found it necessary to provide by law for the distribution, after death, of such as they had, and a short statute, copied from that of England, accomplished their purpose. If an intestate left a widow and children, the widow (after debts were paid) took one third of the personalty that remained; the other two thirds were divided, by equal shares, among the children: the heir-at-law took all the realty, as well as his share of the personalty. In this division among the children, all advancements made by the father, in his lifetime, to any child, were taken into the account. If there were no children, nor any direct representatives of children, the widow received one half of the personalty, and the residue was divided among the next of kin of nearest and equal degree, or their representatives; but no representatives were allowed among collaterals, after brothers and sisters. In case there was no widow, *all* the personalty was equally divided among the children; and if neither widow nor child, the next of kin took all under the limitations previously mentioned. The next of kin was first entitled to administration; after him, the greatest creditor; and in case of dispute as to the right of different persons claiming administration, the question was decided by the governor and council. An executor or administrator was allowed twelve months within which to settle the estate; and might, on paying over, demand of the legatee or distributee a refunding bond, conditioned for the payment, pro rata, of his or her share of any just debt that might thereafter be claimed as due from the estate.

Creditors of the estate were barred from making claim after seven years.

As connected with this subject, they also legislated for the protection of orphans and their interests. The precinct court had jurisdiction in the matter of orphans. If they were without any means, or if their property was insufficient to maintain and rear them, the court might bind them as apprentices to learn some trade. When, however, the orphan was possessed of property, though the court might think it insufficient, it would not bind the orphan to learn a trade, if any of its relatives would come under an obligation, for the income only of the property, without diminishing the principal, to take the child and rear it. It was expressly forbidden, however, to the court *to bind any child to a Quaker.* If the orphan had means, the court appointed a guardian. Stock, plate, and money, and slaves and their increase, belonging to an orphan, were required to be kept and delivered to the orphan, *in specie*, when he came to his estate—exception being made of that only which was perishable, and might have died before the orphan arrived at age. All other personal property might be sold by the guardian. In any suit brought by a widow against an executor or administrator, or by an orphan against his guardian, the plaintiff might demand that the defendant should be put to his oath; and if he declined to swear, or answer the demand, then judgment was forthwith to be given against him to the full amount claimed.

Wills might be proved before the governor, the general court, or the precinct court, and some have supposed, though we think erroneously, before a single justice of the peace. Administration was granted (when there was no dispute) by the precinct court; but all letters testamentary or letters of administration were required to be signed by the governor, sealed with the province seal, and countersigned by the secretary of the lords proprietors.

Legislature.

The regular meetings of the assembly were by law biennial, and the preamble to the act on this subject is striking enough to deserve insertion: "Whereas his excellency the palatine, and the rest of the true and absolute lords proprietors of Carolina, having duly considered the privileges and immunities wherewith the

kingdom of Great Britain is endued, and being desirous that this their province may have such as may thereby enlarge their settlement, and that *the frequent sitting of assemblies is a principal safeguard of their people's privileges*, have thought fit to enact," &c.

First, "all freemen," in each precinct, to meet at a place appointed in each precinct once in every two years, to elect representatives to the assembly. The town of Newbern also authorized to elect. Secondly, seven precincts made as follows, viz.:

Chowan, entitled to elect five freeholders.

Perquimons, with a similar privilege.

Pasquotank, entitled also to five representatives.

Curratuck, entitled to the same number.

Beaufort, entitled to elect two freeholders.

Hyde, also entitled to elect two.

Craven, entitled to a similar privilege.

Newbern town, entitled to elect one.

The burgesses thus elected were to meet on the first Monday in November of every second year; but the lords proprietors might direct special assemblies to be called at any time, and might prorogue and dissolve any assembly when they pleased.

Foreigners born out of the king's allegiance, and "not made free" (that is, we presume, not naturalized), negroes, mulattoes, mustees, and Indians, were not allowed to vote. Every voter was required to be twenty-one years old, an actual resident in the province for one year before voting, and must have paid at least one year's levy, or taxes.

Every voter was required to vote by a *ballot, signed with his name;* and the returning officer was authorized to question the voter upon his oath, where he doubted his qualification or suspected him of having previously voted elsewhere. If the returning officer knowingly received an illegal vote, he was liable to pay, first, a fine of £20 to the governor, to be applied in building a court-house, church, or chapel somewhere in the province, as the governor might direct; and secondly, was answerable in damages to a like amount, recoverable by an action at law in any court of record, at the suit of any person "who, by right and majority of votes, ought to have been returned."

The returning officer was bound to attend the next assembly

with his returns, during the first three days of its sitting, to give information to that body on all disputed claims to seats, and to exhibit his original list of voters, made at the time of holding the polls.

Every member of the assembly not attending on the first and all subsequent days of the session, was liable to a fine of twenty shillings per diem, to be levied by distress, on the speaker's warrant, unless the member were excused by the house.

Every member was required, before he took his seat, to take the abjuration oath, the oaths of allegiance and supremacy, and all other oaths required of a member of the British parliament.

At least one half of all the members was necessary to make a quorum for voting and passing bills; and no bill was to be signed by the speaker, unless at least eight members were present, including the speaker as one of the number. Eight members assembling at the opening of a session might adjourn from day to day, until the arrival of a quorum.

It seems, at first, difficult to find a reason why, of all the towns in the province, Newbern alone should seem to be allowed representation. Bath was older, having been incorporated in 1705. The court-house which had been built at Queen Anne's Creek, in Chowan, had gathered other edifices around it, and had also grown into a town, in which grounds had been appropriated for the erection of a permanent residence for the governor. This was Edenton, which was specially patronized by the legislature as being "the metropolis of this government," and is doubtless the oldest town of the Albemarle settlers, and one of the oldest in the State. But a little examination will show that both Edenton and Bath were allowed representation; and that Newbern was specially mentioned, not because of any superiority entitling it to such preference, but because, without some special provision, it could have had no representation at all. For there was a general law made, declaring that "Bath, and all towns now or hereafter to be built," should have the right of electing a member to the assembly, provided such town contained sixty families; and that Newbern might elect a representative "though it have not sixty families." The inference therefore is, that it was specially named,

not because of its strength and importance, but because of its weakness.

The qualifications required of voters in the towns were, inhabiting a rented house in the town for six months prior to the election, with payment of the taxes of the year immediately preceding; or ownership of a lot, or larger freehold, with a house, in the town, and a residence of at least one year in the province. The representative was required to have been both a freeholder in the town, with a house on his freehold, and a resident in the province for the space of eighteen months previous to the election. The qualification of voters in the precincts seems also, in the latter part of the period of our present volume, to have undergone a change. At first "all freemen" who had paid one year's taxes, and resided a year in the province, were voters. This was, one would suppose, universal suffrage enough; but in 1727 the law enlarged the constituency, by enacting that any one might be a voter in the precinct who was a freeholder therein, even if he were a non-resident.

English Law.

The reader has now before him an abstract of the principal laws embodied in the local legislation of Albemarle during the proprietary rule. But a very important statute, in 1715, greatly enlarged what the legislature called "the body of the laws of this government." There can be no doubt that the melancholy experience of the province, in the revolt and anarchy of factious men a short time before, and the interruption of government thereby occasioned, gave birth to this law. It is entitled, "An act for the better and more effectual preserving the queen's peace, and establishing a good and lasting foundation of government in North Carolina." The preamble presents a picture so vivid of their own sense of the evils they had endured from a state of anarchy, that we lay it entire before the reader: "Whereas several revolutions have heretofore happened in this colony, which were fomented and carried on by factious and seditious persons, to the great cost and damage of the inhabitants thereof, and to the repeated breaches of her majesty's peace, and violation of the loyalty and obedience due from subjects to their lawful sovereign and supe-

riors; and what most nearly has concerned us, are the late unhappy dissensions among ourselves in this colony, whereby injustice and oppression took place and overspread our country, our trade decreased, and daily differences and animosities increased, to the ruin of religion and our liberties; since which it has pleased God in great measure to influence us with a deep concern of our calamities, and put into our hearts a power and resolution of removing these threatening evils and dangers, and for the future to procure an happy restoration of peace and tranquillity amongst us, by making such good and wholesome laws whereby religion and virtue may flourish, our duty to our prince and government be put in practice and maintained, our laws, liberties, and estates preserved and kept inviolate, and justice and trade encouraged: We, therefore," &c., &c.

The law then proceeds to enact, that any person speaking seditious words, spreading false news, writing scurrilous libels against the government, disturbing or obstructing public officers, or instigating others to do any of these things; or any persons meeting together to contrive rebellious conspiracies, misdemeanors, riots, &c., to disturb the tranquillity of government, shall be reputed "utter enemies to the queen's peace, and punished by fine, imprisonment, pillory, or *otherwise*, at the discretion of the justices of the general court." They are also declared, upon conviction, to be incapable of holding any office for three years, or longer, if the court sees fit. And if any one knows of the existence of the crimes named above, and conceals them, he shall suffer the same penalties as if he had been convicted of them. And all officers of the government are henceforth required to take certain prescribed oaths, without any equivocation or mental reservation.

They next proceed to declare and enact, that whereas the province "is annexed to and declared to be a member of the crown of England;" and the charter limits the power of the provincial assembly in making laws, by providing that "such laws" shall "be consonant with reason, and, as near as may be, agreeable to the laws and customs of our kingdom of England, from whence it is manifest that *the laws of England are the laws of this government*, so far as they are compatible with our way of living and trade;" therefore it is enacted, "that the common law is and

shall be in force in this government," except in the practice in issuing writs, &c., which here is to be regulated from time to time by the rules of the general court.

A part also of the statute law of England, enacted subsequently to the settlement of the province, is declared to be the law of Carolina, as follows:

All laws made for maintaining the royal prerogative, for the security of the queen's person, for the succession to the crown; all laws made for the establishment of the Church, for the toleration and government of protestant dissenters; all laws providing for the privileges of the people and the security of trade; and all English statutes for limitation of actions, for prevention of frauds and immoralities, and for confirming inheritances and titles to land, are declared to be in force in Carolina, "although this province, or the plantations in general, be not therein named."

"And because it has always happened, that upon vacancy of the government, seditious and evil-minded persons have taken occasion to dispute the authority of the succeeding government or president, however elected or qualified," for want of some authoritative rule on the subject, it is enacted, that in case of such vacancy hereafter, the deputy of the eldest lord proprietor shall summon the other deputies, and they shall choose from among themselves a president of the council to be acting governor until the pleasure of the lords proprietors is known. In case of a vacancy among the deputies, the other deputies may elect some one to fill such vacancy, until the proprietor who was represented shall have appointed another deputy; and hereafter, if the governor, deputy-governor, or president of the council for the time being desires to leave the province, he must first declare to the council his purpose in going, and, secondly, must not be absent more than six months: otherwise his departure vacates his seat.

The reader has now before him the substance of the law in some of its most important particulars, as made by the settlers of Albemarle for themselves. There are other enactments which will find their proper place in our narrative, when we speak hereafter of the administration of the law.

Laws of the Colony on Cape Fear.

The reader will probably remember our remark, quoted from Chalmers, on a former page, that the proprietors established "for Carolina a variety of separate and independent colonies, each of which had its own government, its own assembly, its own customs and laws."[1] The legislation of Albemarle might furnish law for all the country *north* of the Cape Fear; but it did not reach to that part of the province *south* of it, where the colony from Barbadoes, under Yeamans, was expressly required to settle, by the words "on the larboard side thereof" [i. e. of the river] "entering." Our materials in this part of our story are unfortunately but meagre. The Cape Fear colonists, before many years, removed further south; and if they legislated, or kept any records of their actions before their removal, the memorials which would furnish the history of their doings were probably transported with them, and the story is thus lost to us. Still, the region they occupied was within the present boundaries of the State, and what they did legitimately belongs to our history. We must therefore make the best use we can of our scanty materials.

The constitution, if so we may term it, under which they began, consisted of the "declaration and proposals" made by the proprietors immediately after obtaining their first grant in 1663. Under this, as we have already said, their first governor was selected out of thirteen colonists named by the settlers, and a council of six was appointed also. The assembly was chosen by a majority of the freeholders out of their own body, and consisted of two out of each "tribe, division, or parish;" these had power "to make their own laws, by and with the advice and consent of the governor and council, so as they be not repugnant to the laws of England, but, as near as may be, agreeing with them in all civil affairs." There seems also to have been in contemplation of the proprietors a plan which, as far as we can discover, was never carried into practice. This was "a superintendency of a general council, to be *chosen out of every government of the province*." That is, individuals from each colony in Carolina (each having "its own government") were

[1] Polit. Annals, p. 521.

to constitute a species of council paramount, to oversee the legislation of each colony. All laws enacted, besides being subject to this "superintendency," were, within one year after publication, to be presented to the proprietors for their ratification, and were to be in force until such ratification was refused and duly certified to the colony; but if they were once ratified, then they were to continue in force until they were repealed by the assembly, or expired by limitation of time. This latter provision was carried into effect, though the "superintendency" was not.

Whether any, and if any, what laws were made under these grants by the colonists on the Cape Fear, we have no means of knowing. The first records of their legislation that we have, bear date after their removal further to the south, beyond the present boundaries of North Carolina.

Chalmers indeed tells us that on the arrival of Yeamans and his companions, in 1665, on the Cape Fear, "the same powers were now conferred and the same constitution was established as those which had made Albemarle happy."[1] Of these we have given the reader an account on a previous page.[2] We are inclined, however, to think, with the author just quoted, that "the first labor of the colonists was applied to the erection of habitations and the procurement of food;" and probably there was, in the beginning of the settlement, no election of an assembly, and no legislation at all. We are the more confirmed in this conjecture, when we read, as we do, that Yeamans "ruled them with the affection of a father rather than with the authority of the governor." His advice and that of his council had probably all the force of law; and certain it is that a trade, in lumber chiefly, having been very soon established with Barbadoes, the colonists on the Cape Fear were prosperous, contented, and happy. They wanted very little law beyond that which they could find in the constitution of Albemarle. If they had any other, we know not where, at this day, it is to be found.

It remains yet to speak, in our history of the law under the proprietary government, of one other code emanating from the proprietors themselves; and remarkable on more grounds than one.

[1] Polit. Annals, p. 521.

[2] Ante, p. 146.

It was the work of a celebrated philosopher, executed under the auspices of their lordships, or some of them; it was framed in direct opposition to the lessons of that best of teachers, experience; it was too complicated to work smoothly in any state of society, and could not be made to work at all in the infant settlement of a distant wilderness; it gave a more than ample recognition of the importance, dignity, and interest of those who framed it, while it completely ignored some of the plainest and dearest rights of those for whom it was made; and in short, to our apprehension at least, was at war alike with justice, with interest, with humanity, and with common sense. We speak of "THE FUNDAMENTAL CONSTITUTIONS."

THE FUNDAMENTAL CONSTITUTIONS OF JOHN LOCKE.

Soon after the second grant of King Charles to the lords proprietors in 1665, they betook themselves to the work of preparing a body of fundamental principles of government, as the basis of all future legislation in their newly acquired dominion. Some of the proprietors, at least, were shrewd men, of far more than ordinary abilities, which had been variously exercised in a communication with the busy world around them. It seems strange, therefore, that the knowledge of human nature thus obtained should not have suggested to them the questionable policy, to say the least, of attempting, theoretically, to construct a form of government for a distant colony which none of them had ever seen, the actual wants of which could be learned only by experience; and a state of society, which they must, at any rate, have known was widely different from all with which they were most familiar in the social condition of England at that day.

Perhaps, in the indulgence of their aristocratic pride, unaccustomed to be thwarted in their dealings at home with those below them in station, they made no allowance for the stern necessity which sometimes teaches human nature, ignorant though it be, that it must, for the time, make its own laws or *perish*. They undertook to prescribe, with all the confidence of an assumed infallibility, for a portion of humanity that was struggling for life. It could not struggle by rule, nor plant its blows by dictation from those

who could not tell where a blow would be most effective. It was very easy for the proprietors, in the luxurious indolence of aristocratic English life, to say, "Thus we will it, and thus will we have it;" but the God of nature had spoken to these men in the wilderness before their lordships, and in a more authoritative tone. He had told them to use the energies, mental and physical, with which He had endowed them, and to do, as men, that which, in the exercise of right reason, they saw would conduce most to their preservation and comfort. The battle of the proprietors, in this matter of the "Fundamental Constitutions," was, therefore, a battle with human nature arrayed in its strength, under the promptings of its first *instinct*, self-preservation. Their lordships theorized, the colonists felt; the proprietors drew pictures, but the hardy woodmen of Carolina were grappling with stern realities. Titles of nobility, orders of precedence, the shows of an empty pageantry, were, to them, but toys which might amuse childhood; but there was no romance in watching the savage, or felling the forest, or planting the corn, or gathering the crop with the ever-present weapon in reach of the laboring hand. In short, "the day of chivalry" had not then dawned on the wide-spread forests of Albemarle; and we may well believe that the rough colonists, in the mass, felt a sublime contempt alike for palatine, and landgrave, and casique. He was the greatest man among them who had the bravest heart, the strongest arm, and the largest outgushing of human sympathy. No wonder then that the "fundamental constitutions," from the hour of their arrival in that unpropitious climate, encountered a moral malaria which sent them in due time to the grave, under the wastings of gradual, but inevitably fatal, consumption.

The FIRST body of "fundamental constitutions" contained eighty-one articles, and was signed by the lords proprietors on the 21st of July, 1669. There is a lesson to be gathered from the preamble to this document. After setting forth their grant from the crown, they proceed to say, that "for the better settlement of the government of the said place, and *establishing the interest of the proprietors* with equality and without confusion; and that the government of this province may be made most agreeable to the monarchy under which we live, and of which this province is a

part; and that we may *avoid the erecting a numerous democracy;* We, &c. [naming the proprietors], have agreed to this following form of government, to be *perpetually established* among us, unto which we do oblige ourselves and our heirs, in the most binding way that can be devised."

In a few months afterward, this form of government thus "perpetually established," and to which its framers were obliged "in the most binding way," underwent revision at their hands, and came forth, on the 1st day of March, 1669–70, with one hundred and twenty articles. This was the SECOND edition.[1]

Two years afterward, it was again repaired by these political tinkers, and the THIRD emission, containing one hundred and twenty articles, and dated January 12, 1681–2, was ushered into the world.

Presently the FOURTH set of "fundamental constitutions" was prepared; but of this, Chief-justice Trott, of South Carolina, says that, from the imperfection of his copy, he is unable to give the date.

Finally, the FIFTH and last edition was promulgated on the 11th of April, 1698, and contained but forty-one articles. The preamble to this last, after setting forth, as did that of the first, the desire to promote the proprietors' interests, and avoid erecting a numerous democracy, proceeds to declare that the proprietors, "with the advice and consent of the landgraves and casiques and commons," have agreed to this following form of government, &c.; not forgetting, however, to declare once more, as they had done on every previous promulgation, that it was "perpetually

[1] The *first* set, it will be observed, bears date *July* 21, 1669, while the *second* is dated *March* 1, 1669–70. This, without explanation, may in the minds of some readers cause confusion. The explanation, however, is very simple. Up to September, 1752, the civil or legal year in England commenced at the feast of the *Annunciation*, March 25. The historical year began on the day of the *Circumcision*, January 1. Thus arose all the confusion. A civilian would write January 7, 1658, while the historian would express the same date by January 7, 1659. At any time *after* the 25th of March, *both* would have written the year 1659. It therefore became usual to write the year between January and March according to both calculations. Thus we see, for instance, February 3, $164\frac{8}{9}$. The upper is the legal year, the lower the historical. July, 1669, was therefore anterior to March 1, 1669–70. After March 25th, both the civilian and historian would have written the year 1670. The latter, the historian, had indeed so written it from the 1st of the previous January. If the reader will always take the *lower* or *latter* figure, he will have the year according to our present computation. See 2 S. Carolina Stat. at large, p. 84, note, where the subject is explained and the authorities are given by Dr. Cooper.

established," and secured "in the most binding way that can be devised." It had thus been made "perpetual" only five times in nineteen years, and altered every time it was thus consigned to a deathless immutability.[1] At last, in 1698, these "fundamental" immortals were laid aside by the lords proprietors *forever*.

Mr. Locke was employed by Lord Shaftesbury, one of the proprietors, to prepare the "constitutions." The philosopher (at least so it seems to us) was not a statesman. It would be hard to devise a more complicated and involved engine of governmental machinery. The intricacy of its movements would, we think, have deranged its working in a state of society far more advanced than that of Carolina: in the wilderness, to make it operative, was simply impossible. A synopsis of its chief provisions will, we think, verify the remark.

There were eight proprietors; these were first provided for, with a due regard to their interest and aristocratic dignity. The oldest was made "*Palatine*." This was an epithet applied originally to persons who held office or employment in a king's palace; hence, in its modern meaning, it imports one possessing royal privileges—as a *count palatine*. A county palatine was a county over which a bishop or duke or earl had a *royal* jurisdiction. When the palatine of Carolina died, according to the constitutions, the proprietor next in seniority took the office. As to the other seven proprietors, seven "chief offices" were also made for them, viz., admiral, chamberlain, chancellor, constable, chief-justice, high steward, and treasurer; and these could be filled by none but proprietors. The grant of the province had been made to the proprietors "with all the royalties, properties, jurisdictions, and privileges of a county palatine, as large and ample as the county palatine of Durham." Chester, Lancaster, and Durham were the three counties palatine of England; and in them the respective proprietors, the Earl of Chester, the Duke of Lancaster, and the Bishop of Durham, possessed *royal* rights as fully as did the king in his palace. Chester and Lancaster have long since been united to the crown, and retain, in some of their local courts, only vestiges

[1] Chief-justice Trott's Introduction to the Province Laws of S. Carolina, in vol. 1st S. C. Stats. at large, pp. 15 et seq. Vide Rivers' Historical Sketches of South Carolina, Appendix, p. 384.

of their former palatine state. But Durham remained a county palatine until a few years ago, in the hands of a subject, the Bishop of Durham. It was not until the reign of William IV., in the year 1836, that the bishop ceased to be "prince palatine," and to possess *jura regalia*. In that year the *palatine* jurisdiction was transferred to the crown; the jurisdiction of the *courts*, however, remains as before. It will thus be seen that the eight proprietors were, in truth, something more than the mere owners of Carolina; they were, to nearly all purposes, its absolute kings.

Next, for these eight proprietors were eight supreme courts provided. The first was the palatine's court, composed of himself, as principal, with his seven co-proprietors. Then each of the seven had his court, as one of the chief officers before named, in which were associated with him six counsellors; and to each of these seven high official courts was joined "a college of twelve assistants," composed of the nobility or persons of high position, selected by the palatine's court.

There was an hereditary nobility established, the members of which, by right of rank, were to sit in parliament. These were known as *landgraves* and *casiques*. The first title they obtained from Germany, where it implied a nobleman who had a certain amount of landed estate: it was equivalent to the Saxon "Thane." The casique they took from the Indians in Mexico.

The whole province was divided, first, into large departments: these were called *counties*. Each county was then subdivided into eight *seignories*, eight *baronies*, and four *precincts*; and each precinct into six *colonies*. Each seignory, barony, and colony was to contain twelve thousand acres of land. The seignories were for the proprietors and the baronies for the nobility, and these were "perpetually annexed" to the respective titles of the proprietors and nobility, to sustain the aristocracy, and were therefore, after a certain time, inalienable. The colonies were for the common people. Whoever succeeded to a landgrave or casique was to take his name and arms, which were thenceforth forever to be the family name and arms. There were to be just as many landgraves as there were counties, and twice as many casiques, and no more; and each landgrave was entitled to four baronies, and each casique to two: and these were "hereditarily and unalter-

ably annexed to and settled upon the said dignity." All the first landgraves and casiques were, in one mode or another, either by joint or individual action, to be appointed by the lords proprietors. The instrument then proceeds, in a succession of articles, to provide for the pepetuation and dignity of the nobility, laboring to meet every contingency that might arise, and seeking to prevent the possibility of ever losing or polluting the *sangre azul* of this ephemeral aristocracy.

But not a word yet have we of the *people:* the bone and sinew of the new settlement, those by whose toil landgraves and casiques had to *live;* for nobility, after all, must eat and drink, even as the ignoble do. The instrument seems to have been framed on the rule—"our dignity and interest first, the people second." First, then, the people might be "leet men," subject to the lord of the manor, who possessed rights, little short of absolute, in his manor of "not less than three thousand, and not above twelve thousand acres, in one entire piece and colony." Let the lord decide what he pleased, the leet-man had no appeal; nor could any leet-man or leet-woman "have liberty to go off from the land of their particular lord, and live anywhere else, without license obtained from their said lord, under hand and seal." All leet-men's children were declared to be leet-men also, and "so to continue to all generations." In short, the system was designed to introduce a perpetual serfdom.

Next we have the jurisdictions, severally defined, of the eight courts of the proprietors before named, presenting abundant occasions for questions to arise, in a conflict of jurisdiction, which it would baffle the skill of an acute jurist to reconcile. We next come upon humbler tribunals. Each county, with its hundreds of thousands of acres, had a court: this was to be composed of the sheriff and four justices of the county, all to be chosen by the proprietors; and in any cause before this court, if personal, involving the value of £200 sterling, or if affecting the title to land, or if criminal, the party cast might appeal to the proprietors' court having jurisdiction of cases of the class decided, provided *he would pay £20 sterling for the use of the proprietors.*

Next there was a precinct court, consisting of a steward and four justices of the precinct, which was to be held quarterly. This

had jurisdiction of all criminal offences, except treason, murder, and other capital felonies, and except all criminal causes of the nobility. It had also jurisdiction of all civil causes whatever, and in personal actions, where the demand did not exceed £50 sterling, there lay no appeal; but where the demand exceeded that value, or concerned the title of land, or where the cause was of a criminal nature, there was a right of appeal to the county court, *provided the party appealing would pay £5 to the lords proprietors' use.*

There was no such thing allowed as granting a new trial under any circumstances; for no cause could be tried twice in the same court. The only possibility of a second investigation was on an appeal, *paid for.*

Twice a year a commission was to be issued, analogous to the modern commission of *oyer and terminer*, to try treason, murder, and all other offences punishable with death. This was directed to "one or more members of the grand council or colleges," who went as itinerant judges to the several counties, and, with the sheriff and four justices, held assizes. The cost of an appeal from this court to that of the proprietors was £50.

There was a grand jury at these assizes, by which, we presume, all bills were found or accusations made, though it is not so stated expressly. It was the duty also of this grand jury at the close of the term, upon oath, to make presentment to the itinerant judges, of "such grievances, misdemeanors, exigencies, or defects, which they think necessary for the public good of the country." But these did not then pass from the judges to the prosecuting officer, that bills of indictment might be drawn, for there was no prosecuting officer. No such occupation as that of a lawyer or advocate, by profession, was countenanced. These presentments were carried home by the judge, and by him laid before the grand council. Whatever in such presentments concerned the execution of laws already made, was referred to the appropriate court of proprietors; and whatever presented matters not yet provided for by law, was referred to the proprietors' court having jurisdiction in cognate matters, that it might prepare a law and submit it to the grand council, to be laid by that body before parliament.

As to jurors, in the precinct court no man might sit as a juror who did not own fifty acres of freehold. In the county court, or

at the assizes, the qualification required was three hundred acres. In the proprietors' courts, it was five hundred acres. A jury was composed of twelve men, but they were not required to be unanimous in their verdict; a majority might find a verdict.

It was declared to "be a base and vile thing to plead for money or reward;" and no one, unless he were a near kinsman, and not further removed in relationship than a cousin-german, was to be permitted to plead for another, without making oath, in open court, that he had not received, and was not to receive, any money or reward for his services in pleading. It certainly indicated but a slight knowledge of human nature to suppose that men of intellect could afford to practise law "all for love;" and slighter still, not to perceive that the way to make independent and able jurists, was to permit them to receive adequate compensation for the exercise of their industry and talents. It was unworthy of Locke, if indeed this provision were his, to yield to the exceedingly commonplace and vulgar prejudice against the members of the bar. Jurists are a very necessary and useful order of men in society; and though there may be found in their ranks, as in those of all other pursuits in life, some who are unworthy, yet it scarcely seems to comport with good sense to seek a remedy for the evil in the abolition of the profession. It is somewhat akin to the conduct of the physician who should kill the patient for fear he may be sick. One thing is certain, that the liberties of no people can be fraudulently and silently undermined, where there is an intelligent, high-minded, and independent bar.

The parliament, for such was the high-sounding name of the legislative body, was to be composed of the proprietors or their deputies, the landgraves and casiques, and one freeholder out of every precinct, to be chosen by the freeholders of the precinct. They were to sit in one house, and each member had one vote. Every voter was required to own a freehold of fifty acres, and every elected representative to own five hundred acres. The parliament was to meet biennially, and the first business to be done was the reading of the "fundamental constitutions," which all present were to subscribe. It was a peculiarity of this august body, however, that it could originate no measures. There was a grand council, composed of the palatine and the other proprietors,

and the forty-two counsellors of the several proprietors' courts; this body was to meet monthly, or whenever called, and by it were prepared "all matters to be proposed in parliament." When a measure was proposed in parliament, and passed by a majority, it was to be of no force unless ratified by the palatine, and three more of the proprietors or their deputies; and even with such sanction, it was the law no longer than the next biennial parliament, unless at that parliament it was ratified afresh by the palatine and three proprietors, under their hands and seals. Half the members constituted a quorum. If after a law had been in force two years, before its ratification afresh at the next parliament, any proprietor made his protest against it as being contrary to these constitutions, then, after full discussion, the parliament was to divide itself into four bodies, and retire into four separate chambers, the palatine and proprietors into one, the landgraves into another, the casiques into a third, and the members elected by the precincts into a fourth; and if a major part of either chamber should vote that the law was not in accordance with the constitutions, it could not be ratified. At the expiration of each hundred years, all enactments of every kind ceased and determined of themselves, without any formal repeal.

All comments on or expositions of any part of the fundamental constitutions, or of the common or statute law, were absolutely prohibited.

Provision was made for registration of conveyances of land, as well as of births, marriages, and deaths.

As to religion, no man was to be admitted a freeman, or even to have an estate or habitation in the province, who did not acknowledge a God, and that God is to be solemnly and publicly worshipped. The Church of England was declared to be the established Church of Carolina, and the only one that could receive maintenance from parliament; yet toleration was to be shown to others; and any seven or more persons, "agreeing in *any* religion," should "constitute a church or profession," to which they should give some distinguishing name. But in every such association of seven or more, three particulars of belief were declared to be essential, viz.: 1st. That there is a God. 2d. That God is publicly to be worshipped. 3d. That it is both lawful and a duty in every

man to bear witness to truth, when called on to do so by proper authority. Consequently, "every church or profession" was required to declare in what way they would invoke God's presence and help to their truth as witnesses. No person above seventeen could have any benefit or protection of law, or hold any place of profit or honor, who had not his name recorded as a member of some church. Those of one denomination were not to revile, abuse, or ridicule those of another; and it was declared that slaves might become members of the churches, but were not thereby to obtain their freedom.

Every freeman owning slaves was to have "absolute power and authority over his negro slaves."

No cause was to be tried but by a jury.

All inhabitants and freemen between the ages of seventeen and sixty, were to bear arms and serve as soldiers whenever the grand council should so direct.

Every inhabitant above seventeen was to sign the fundamental constitutions; and until he did, he could neither hold an estate nor have any benefit of law in the province. If an alien came in and signed the constitutions, he was thereby to become naturalized.

Finally, it was said: "These fundamental constitutions and every part thereof shall be and remain the sacred and unalterable form and rule of government of Carolina *forever*."

But alas for the stability of human resolves! In July, 1669, almost ere yet the ink was dry on the signatures to the "constitutions," came a statement from the proprietors that, as there were at present no landgraves and casiques in Carolina, nor even such a number of inhabitants as would admit of entirely putting in practice this indestructible form of government, that had been so laboriously devised, therefore the people of the colony must e'en do the next best thing they could, and "come as nigh the same as is practicable at present."[1] Again, in 1672, the reluctant acknowledgment is forced from the proprietors, that "the paucity of nobility will not permit the fundamental constitutions presently to be put in practice;" and they are constrained to provide a body

[1] Rivers' Historical Sketches of S. C., Appendix, pp. 341, 347

of temporary laws,[1] and "instructions" to their governor to supply the want of constitutional legislation.[2] But the nobility, as it was first in their thoughts, was never lost sight of: from time to time we find them appointing certain individuals landgraves and casiques; the only effect of which appears to have been conferring on the persons thus honored, grants of large bodies of land, according to the fundamental constitutions. Presently, after an interval of ten years, we find them, in May, 1682, stating that they had been prevailed "upon, at the request of several eminent, worthy persons, who have a mind to become settlers in our province of Carolina, to make review of our fundamental constitutions, and to make therein some additions and alterations;" and a copy of these is sent over.[3] One would have supposed that the work then done would have sufficed for at least a year; but it did not. In November of 1682, they inform the governor of the southern colony (Moreton) that, to gratify the Scotch who intended to become settlers, they had "thought fit once more to take a review of our fundamental constitutions of the government of Carolina for the future." And, as if ashamed of these perpetual fluctuations of opinion, they say to the governor: "We being sensible that such often changes may be apt to breed doubts in the minds of some people," &c., "we do hereby ratify and consent that you may in parliament declare, recognize, enact, and confirm the said fundamental constitutions, consisting of one hundred and twenty-six articles, now sent you under our hands and seals, and under the great seal of our province, and bearing date the 17th day of August, 1682, to be for the future the fundamental constitutions and form of government of the province of Carolina forever; by which means there can be no addition or alteration hereafter, but according to the rules and methods in said fundamental constitutions prescribed."[4] Once more, and for the last time, came over, in 1698, these memorable "constitutions," reduced now to forty-one articles. The Assembly of the southern colony at Charleston *deliberately rejected them.* And thus, as Mr. Rivers has remarked, in speaking of the pertinacity with which the proprietors sought,

[1] Rivers' Historical Sketches of S. C., Appendix, p. 355.
[2] Ibid. 366. [3] Ibid. 395. [4] Ibid. 398.

again and again, to force their adoption upon the people of Carolina, "The garment that did not fit the infant was still so beautiful to the parents' eye, that it was altered and pieced and patched, and again and again lovingly tried upon his limbs, even in the years of his robust manhood."[1]

It was, however, in what is now South Carolina that the experiment was mostly made to establish the constitutions. That was the most important part of the province to the proprietors, as commerce began gradually to develop itself at Charleston. But the system was one which was framed alike for all the colonies that belonged to the province. It was meant for Albemarle and Cape Fear as much as for the settlement on Ashley and Cooper rivers; and was applicable to none. In North Carolina, the constitutions produced discontent from the first, and were never practically much more than a dead letter. Some of the "instructions" and orders of their lordships, which were given because of the absolute impossibility of any government under the code of Locke, were followed; but very few landgraves or casiques were ever made in North Carolina. Such of these mushroom nobility as were seen in the northern part of the province, came, for the most part, from the southern colony. Yeamans, who led the colony from Barbadoes to the Cape Fear, was indeed made a landgrave; but it was not, we believe, until *after* he had removed with his settlers beyond the present limits of North Carolina. Upon a review of this effort, obstinately persisted in for years, to force upon Carolina a plan of government so obviously unsuited to its condition, it may well be doubted whether the comfort and happiness of struggling colonists, in a distant wilderness, were ever confided to hands and heads more incompetent to their work than those of the lords proprietors of Carolina. They abolished a good government; prescribed an impracticable one; destroyed existing quiet and increasing prosperity; and furnished grounds for rebellion and anarchy.

We have thought it best, in this department of our work, to present the history and chief features of the laws embodied in the constitutions, notwithstanding they were practically inoperative.

[1] Rivers' Historical Sketches of S. C., p. 165.

They form a part of the history of the law in the period of which we are writing, and our notice of them is prompted by the wish to make our story complete. The jurist may discover in them, possibly, the germs of some of our present usages in judicial proceedings, or of some of the provisions of our existing enactments. At any rate, they constitute a feature not to be omitted in our attempt to sketch a picture of the state of our jurisprudence under the proprietary government. The reader now has before him what our industry has enabled us to glean from the materials at our command. We have endeavored to show the legislation of Albemarle (to us the most important); the little we can find of the law prevailing in the more southern colony within our present limits, on the Cape Fear; and the enactments of the proprietors themselves in their code, which they designed for both. We are now prepared to proceed to the second branch in this division of our general subject, and enter upon an examination of THE ADMINISTRATION OF THE LAW.

JUSTICES OF THE PEACE.

The lowest judicial functionary known in the province was a justice of the peace. This very necessary class of officers was appointed and commissioned by the governor, with the approbation of the council. And here we may remark, in general, that during the proprietary rule a change seems to have been made in the exercise of the appointing power. Thus in the minutes of the governor and council in 1711, we find that when his excellency communicated to the council his intention to appoint a certain individual surveyor of the colony, an entry is made, by order of the council, that the power so to do "is wholly inherent in himself; yet desiring the council's concurrence, they heartily and willingly concur in the same." Afterward, however, we meet with an enactment which—made, it may be, under the influence of political excitement—indicates a suspicious distrust of the exercise of gubernatorial patronage, and, forgetful of the declaration of the council quoted above, boldly affirms that "it has always been the custom, time out of mind, for the governor or commander-in-chief to appoint all officers in this government, *by and with the advice and consent*

of the major part of the council;" and enacts that every appointment thereafter to be made must not only have such advice and consent, but that the fact of the council's approbation must, in every instance, be formally entered on the minutes.

The earliest record we have, however, of the appointment of justices was anterior to this enactment, and it is among the oldest public documents in the State. It is to be found on the minutes of Berkeley precinct court, preserved in the office of the clerk of the Superior Court of Perquimons county, and bears date the 3d of December, 1679.[1]

The jurisdiction conferred by this commission is very broad, embracing many particulars which would scarce find a place in an enumeration of the powers of the modern magistracy. The justices were, for instance, authorized "to inquire, by the oaths of good and lawful men of the precinct aforesaid, by whom the truth may be known, of all and all manner of felonies, *witchcraft*, *enchantments*, *sorceries*, *magic arts*, trespasses, forestallings, regratings, and extortions whatsoever." Their commission also empowered two or more of them to hold the precinct court, provided one of the justices of the *quorum* were present: "*quorum aliquem vestrum, Georgius Durant, vel Alexandrus Lillington unum esse volumus.*" But a single magistrate had also, in some cases, jurisdiction to try money causes.

In the earlier days of the colony, if the sum demanded was less than twenty shillings, a single justice might try it. If it did not exceed forty, the jurisdiction belonged to two justices, one of whom was to be of the *quorum*, and was exclusive. In the progress of events, however, as the business of the courts of record increased, the jurisdiction of the justices was enlarged, and a single magistrate might try a cause when the demand was of the value of forty shillings; while two (*quorum unus*) might try to the value of five pounds. The courts held in such cases, however, were not courts of record. The magistrates might, on a complaint, issue process to bring the defendant before them: this was executed by a constable, and the parties appeared before the justice at the time named in the warrant. This court had power to issue subpœnas

[1] Vide ante, p. 189.

for witnesses, and might put the parties also to their oath. When judgment was rendered, an execution issued to the constable, under the signatures of the magistrates. The warrant was required to set forth plainly the names of the parties, and the nature of the demand. There was one feature belonging to this court, which, though at this day it would be deemed singular, yet doubtless was well adapted to earlier times. If a defendant, against whom judgment had been rendered and execution awarded, was not possessed of property sufficient to satisfy the judgment, the magistrates might, *with the defendant's consent*, hire him out, at *per diem* wages, to the plaintiff, or any other person, until his earnings amounted to enough to pay the debt and costs. We have found no provision for an appeal from the justices to the precinct court. As to the executive officers of these courts, the constables, they were appointed annually for each precinct by the justices of the court of the precinct to which they belonged, and were expressly invested by the statute with all such powers and authorities as belonged by law to constables in England. To the performance of their duties they were bound by oath.

Precinct Courts.

These were held, quarterly, by the justices of the precincts, some of whom were always named as being of the "quorum." We cannot ascertain what number was, in the earliest period, requisite to make a court; but, long before the proprietary rule was over, the number was fixed at three, one of whom was to be of the quorum; and the whole number of justices in each precinct was eight: but it was expressly provided that, at any one time, not more than one of those entitled to sit as deputies of the lords proprietors could sit as a justice in any precinct court.

The officer to execute the mandates of this court is in all the earlier enactments called the *provost marshal;* in some of the later statutes the title appears to have been changed to *sheriff*. Suits were commenced in the precinct court by a writ, directed to the provost marshal, stating the nature of the action and the amount of damages claimed. In copies of such of these writs as have fallen under our observation (for an original, probably, does

not now exist), they appear to have been issued under the authority and in the name of the reigning *king*, and not of the lords proprietors, and are signed by the clerk of the court. It was the duty of the provost marshal, on receiving process, immediately to serve it; and such service was required to be at least ten days before the sitting of the precinct court. On serving it, he was required to take of the defendant a bond for his appearance, in a penalty double the amount of damages claimed in the writ, with two sufficient securities, and return it to court with the writ. If the defendant failed to appear, a judgment was, on motion, rendered by the court against the sureties in the appearance bond, "for the thing in suit, with stay of execution till next court." If the provost marshal failed to take any security, or took such as was insufficient, or neglected to return the bond, then the proceeding was as follows: The plaintiff, in open court, made his choice between these two alternatives: either he might have an immediate order, directing the provost marshal to pay him his debt out of his own property, with a stay of execution until the next court; or he might have an attachment against the property of his debtor, to issue immediately; and if on this the return was *nulla bona*, then he might have a judgment against the provost marshal personally.

The records show that when thus put to a choice, plaintiffs almost uniformly adopted the first, and took an order against the provost marshal. In that contingency, the provost marshal had then the right to pray for and have an immediate attachment against the estate of the debtor. But on the return of the attachment, no matter by whom prayed for, no final judgment could be rendered, either against the original defendant, or his sureties, or the marshal, according to circumstances, until the debt or damages were duly proved in open court, and declared, as to the amount, by a jury of inquiry.

If a defendant absconded, so that the marshal could not arrest him personally, he might, in lieu thereof, leave an attested copy of the process at his usual residence, and this was held to be legal service, and equivalent to "a lawful arrest." If the defendant did not thereon appear, an attachment might issue against his estate; but in this case, the defendant was allowed to appear at the next term of the court and replevy.

There were certain *dies non*, on which the marshal was not permitted to serve process at all. These were—Sundays, except in cases of treason, felony, and breaches of the peace; the 30th of January (the martyrdom of the king); the 22d of September (the Indian massacre); all days of general military training; election day; any day during the sitting of a court on which the party to be arrested might be in attendance, and the days immediately preceding or following such sitting. To this last, however, there was an exception—if the persons had "no business at all which required their attendance at that court."

As to the law of attachments in general, a suit might be commenced by original attachment where there was a suspicion of an intended removal by a debtor. This attachment might be issued by a single justice, on the plaintiff's giving bond and security for the costs and damages if he failed in his action. The defendant in these cases was permitted to replevy. The justice was required to return the attachment, with all the proceedings thereon, to the next precinct court, and the attachment was there deemed the "leading process" in the action.

The jurisdiction of the precinct court underwent some slight changes, from time to time, during the proprietary government; but finally was resolved into the following particulars: It might try criminal offences which were not punishable by loss of life, member, or estate; and might punish offenders by "fines, ransoms, amercements, forfeitures, or otherwise." It might try civil causes at the common law for demands not exceeding £100, except actions of ejectment; and in cases of demands for less than forty shillings, the *exclusive* jurisdiction was in the court of the justice of the peace.

It might try actions of *qui tam* for a penalty, when such penalty was not less than £10 and more than £20, provided the parties lived in the same precinct.

It had power to take the probate of wills, and to receive proofs of rights to land by the introduction of colonists into the province, and also power to receive entries of land. It had jurisdiction also in the matter of orphans, as to appointing guardians, or binding them as apprentices. It might grant administration on estates; but all letters testamentary or letters of administration were signed

by the governor and secretary of the province, with the colony seal annexed.

It might, by its clerk, issue subpœnas for witnesses living within the precinct: if they lived without, the signature of one of the *quorum*, as well as of the clerk, was necessary. Witnesses were paid at fixed rates for their attendance. The justices of the court, including one of the quorum, might issue commissions to take testimony, where witnesses could not conveniently attend.

As to juries, originally, by the law of 1679, the justices were to make known to the "sheriff or marshal of the precinct" that he should cause to come before the court, to act as jurors, "as many good and lawful men of the precinct, by whom the truth may there be better known and inquired of," &c. But in 1723, the mode of obtaining juries was prescribed as follows: Lists were to be made of jurymen in each precinct, and none could serve whose names were not on the lists. Of these persons, the sheriff was ordered to summon twenty-four, whose names were furnished to him: this he was to do twenty days before the meeting of the court; and the persons summoned were bound, under a penalty, to attend. On the opening of the court, the names of those thus summoned were called: if more than twelve appeared, the names of all who were present were put into a box, and a child, under ten years of age, drew from the box, in open court, the names of twelve, who constituted the jury for that term. If, in any case to be tried, any of these were challenged, then a child drew, as before, from the remaining names of the original twenty-four, to supply their places. If, at the opening of the term, there did not appear enough of those summoned to make a jury of twelve, then the court ordered the sheriff or marshal to summon *talesmen*, who could be taken from freeholders only, whose names were on the jury list of the precinct, and who might chance to be at the court. When a person had been once drawn and served as a juror for a term, he could not be required to serve again until all the others on the list, who had not served, had been drawn.

Attorneys and advocates were allowed in the trial of causes. At first some of these appear to have been volunteers, not bred to the law; but the general court presently checked this usage, by an order that no one should act as an attorney-at-law in the prov-

ince, who was not licensed by the chief-justice and judges of that court. But no sheriff, under-sheriff, or clerk of any court in the province, could act or plead as an attorney-at-law in the court of which he was a public officer, unless it were in his own cause, or where he held a power as attorney in fact, for some one out of the government. The court might also specially permit the appearance, as an attorney, of either of the officers named, where he appeared for any one who sued *in forma pauperis*.

When, after judgment, goods were taken in execution, the sheriff was bound to keep them ten days, during which time the owner might come and redeem them. If he did not redeem, then it was the duty of the sheriff to cause them to be appraised by four disinterested freeholders upon oath; and the creditor was bound to take them at such appraisement: if it exceeded the amount of his judgment, he was bound to pay the overplus to the person from whom the goods were taken. Of his proceedings, the sheriff was required to make a special return, which was entered on the records.

Sometimes the execution was a *ca. sa.* against the person of the defendant; and, as in some such cases the sheriff or marshal had permitted the defendant to go at large about his business, with an attendant or keeper, and without the assent of the plaintiff in the execution, the law rigorously prescribed that all prisoners under execution should be confined to the house of the sheriff or marshal, which was declared to be the county prison when there was no other; and no such prisoner was to be allowed by the sheriff to go beyond the limits of the fenced lands around the house, but with the plaintiff's permission. If a prisoner escaped from the marshal's house, the marshal was exempt from any action for such escape, if he pursued with hue and cry to the utmost boundaries of the province, and on recovering the prisoner, *secured him in irons*. So, too, if on an escape the marshal immediately sued out a *fi. fa.* on the judgment against the prisoner, and levied on his estate in behalf of the plaintiff in such judgment, he was held to be excused, if any estate could be found to satisfy the judgment.

From the judgments of the precinct court an appeal lay to the general court. In such case, the record was immediately to be made up and transmitted to the appellate court. If the appellant

did not appear, or if judgment were rendered against him on the appeal, he was condemned to pay five per cent. additional on the former judgment. Cases might also be carried up to the general court by writ of error. The party suing out the writ was bound to "give security for prosecuting the suit with effect," and to assign and file errors, thirty days before the sitting of the general court. If the plaintiff in error did not appear, the suit, on motion, was dismissed, and the former judgment was in force. In any suit, in any court, a defendant was allowed to put in various pleas. In the pleadings, there would appear from the records to have been a close observance of technical formality in language, and a formal declaration was regularly filed, or the suit was dismissed. The English precedents were followed, as nearly as the differing circumstances of the mother country and the province permitted; and when the statute law of Albemarle was silent, and no English statute was applicable, cases seem to have been decided on the principles of the English common law, as far as it was or could be made applicable.

There was another feature in the proceedings of the courts, whether general or precinct, peculiar to that day. On the last day of the court, and just before its final adjournment, the clerk was required to read audibly, before the court and people, *all* the minutes of the court made during that term. These, if erroneous, were corrected by the court: they were then fairly transcribed in a book; and, as soon as this was done, they were signed by the judges or justices of the court; and the law declared that such book only, thus signed, should be *the record of the court.* Without such transcription and signatures, no judgment, rendered at the term, was of any force. The records of the court of Albemarle, now before us, are all thus transcribed and signed, and show a most strict adherence, on the part of our ancestors, to this law.

The General Court.

The judges of this court were, at first, a chief-justice and seven assistants. The chief-justice was appointed by the whole body of the lords proprietors, and represented the palatine; each one of the seven assistants was the deputy of some one of the proprietors,

was appointed by him whom he represented, and held his judicial situation, *ex officio*, by virtue of his station as a deputy. The whole court therefore was, in effect, appointed by the lords proprietors. This, however, was not the course pursued throughout the whole of the proprietary government; for the records of 1724 show that the proprietors appointed, at that time, a chief-justice, and directed the governor and council of the province to appoint two assistant justices, "of able skill in the law:" and these three constituted the general court of the province. Up to this time, the general court was never composed entirely of lawyers.

The attorney-general was appointed, as we think, by the governor and council, and the clerk by the court.

All attorneys, as we have already stated, were licensed by this court, and were also, as the records show, deprived of their privilege when they acted unprofessionally and dishonorably. The same provost marshal or sheriff acted for both the precinct and general court; and the law concerning juries and witnesses, already stated in reference to the precinct courts, applied to this higher tribunal. The process from the general court reached to all parts of the province. Its jurisdiction covered all cases, as well criminal as civil, save where, in the latter, the sum claimed fell below a certain amount, and the parties lived in the same precinct. When they lived in different precincts, suit was commonly brought in the general court, and was commenced by writ, as in the precinct court. This court had also an appellate jurisdiction of causes tried in the precinct courts, and sat as a tribunal for the correction of errors in law committed by the courts below. These commonly came up on a writ of error, and the points of law were argued by counsel. Its decisions would appear to have been final, as the records show its refusal to allow appeals therefrom to the king in council; but of this we shall speak more particularly hereafter. The regular sessions of this court appear to have been in the spring and autumn of each year, though there were also, at times, special sessions held by order of the court.

When a case was brought up on a writ of error, seeking to reverse the judgment of an inferior court, the plaintiff was bound to file the errors complained of thirty days before the sitting of the court.

After judgment on the writ of error, either party had by law a right, on motion, to have some day of the next term assigned by the court, when it would hear argued or re-argued, as the case might be, such errors as might be assigned by the party desirous of such re-hearing. Any point of law, therefore, might be *twice* argued before the general court. Sometimes, as the records show, the court held a point under an *advisari*, and themselves directed a second argument. The business in this court appears to have been conducted with unusual precision, and with much attention to formalities.

The Court of Chancery.

This was composed of the governor and the deputies of the lords proprietors, *ex officio*. As the chief-justice was the representative or deputy of some proprietor, throughout the whole time of their lordships' rule, this court had always (though accidentally) the benefit of a lawyer's presence as one of their body. We have the records of some few cases that came before this court that were strictly equity causes, and decided on principles recognized in the English courts of chancery; but we also find them often making orders in matters, both civil and criminal, in cases where it would be difficult to find any point belonging to equity jurisdiction proper. We apprehend the fact to be, that as the governor and council and the court of chancery consisted of precisely the same individuals, they sometimes forgot in what capacity they were sitting; and after acting as chancellors, proceeded to pass orders in their offices of governor and councillors, which found their way into the minutes of the court of chancery, where they evidently are out of place. Of this court, however, we know but little more than that it was a tribunal with equity jurisdiction, and had but little business to do; so that its suitors probably escaped the proverbially interminable delays complained of in the chancery of the mother country, on which it was modelled. Its forms and practice, as far as we can discover, were (allowing for difference of circumstances) similar to those in England. The case was presented by bill and answer, and the testimony was for the most part in depositions and documents. We presume the court

might, if it saw fit, direct any issue of fact to be tried by a jury. We find one enactment of 1715 concerning this court. Every member of the council was, among other oaths, required to swear that, as a judge in the court of chancery, he would do what was just and right between those who might come before him as suitors in that court. The same law also provided, that if the governor should be a party to any suit before that court, any four members of the court might hear and decide the cause, without the presence of the governor.

The Court of Oyer and Terminer.

We are sorry to be obliged to say that all our researches have not been rewarded by the discovery of the *origin* of this court. We have met with no proprietary command, order of council, or legislative act establishing it (though the charter allows of its establishment); and yet we have before us an original volume, containing its records and proceedings in Albemarle, very fully kept, for a period of fourteen or fifteen years; and we may add that none of our old judicial records are of equal interest, or more suggestive of reflections on the social condition of that day. These records do not countenance the supposition that the terms of the court were ordinarily held, from time to time, by special appointment of the authorities, though there are two instances of special courts held by order of the council. The sessions are as regular in their recurrence as the sessions of the general court; the chief-justice and his associates appear to preside in them; and the best conjecture we can form, in the absence of all direct proof, is, that they present the records on the *criminal side of the general court*, which certainly had jurisdiction of all such cases as appear on these records.

Sometimes, and most commonly, the proceedings commence by indictment in the name of the king, addressed to the chief-justice and his associates, and signed by the attorney-general; at others, they appear to have been begun by an "information" from the attorney-general. The extracts from the records of judicial proceedings, to be found in the preliminary documents to this chapter

of our work, will afford the reader all the information necessary as to this court, and to those we refer him.[1]

Court for the Trial of Slaves.

There was one other tribunal of which it is proper to say a word. If a slave stood accused of a crime, there was a special tribunal for his speedy trial. The purpose of this law was, that the master might not, by the confinement of the slave until the next court, lose the benefit of his labor. This court was composed of three justices of the precinct in which the crime charged was committed, together with three freeholders of the same precinct, who were owners of slaves. The court was convened at a time and place to be named by the justice whose commission was oldest of the three; and the trial was conducted according to the same rules of evidence as were used in other courts. There was, however, no jury: the court determined the facts as well as the law. The slave was allowed to introduce any lawful evidence in his defence, nor was he prohibited by the law from having the assistance of his master or others employed by him. After a hearing, the court had power to pass sentence, extending to life or member; or might, in their discretion, inflict any corporal punishment short of these. They might also command the proper officers of the law to execute their sentence.

We have now brought to the reader's notice the various tribunals that existed during the rule of the proprietors, with the single exception of one, the name of which we find, but of the proceedings of which few vestiges remain. This was the court of admiralty, which could have had, in the then state of the colony, little or nothing to do. So far as the court of admiralty was resorted to, in behalf of the crown, to secure the revenue, the suits always terminated adversely to the king. Decrees, however, could be had, almost for the asking, when Teach, the pirate, brought in a ship and cargo, which he swore he found abandoned at sea, though perfectly sound; and he could, also, successfully prosecute to a close a libel for condemnation and sale of some vessel as lawful

[1] See ante, p. 116.

prize, though he never held a lawful commission from any maritime power on earth. Knight was the judge. Strange ideas were entertained in those days of admiralty jurisdiction. Northey was captain of a small vessel, and owed a tavern bill in Edenton of about three shillings sterling. Edmond Porter was the judge in admiralty, and entertained a suit for the debt, because Northey was a *seafaring man*, and decreed payment of the debt, with *twelve pounds* costs. Northey was put in prison, from inability to pay.

This man, Porter, was no lawyer, but an abominable extortioner. He rarely failed to make a good thing for himself out of every cause he heard, and was not at all backward in instigating suits in his court. Three vessels entered Beaufort harbor. A new naval officer had been appointed, but the old one refused to surrender the office. The captains of these vessels, ignorant of this state of things, entered their vessels with the old officer, whom they found in possession of the office. Porter had the vessels libelled for not making entry. He did not condemn the vessels, but imposed such costs and charges on the masters that they were obliged to sell their sails, rigging, and cargoes to pay them. The Assembly complained of this to Governor Everard, who took no notice of it.

Some of his cases were curious enough. Harvey preceded him as judge; and in one instance, where the captain of a vessel produced no cocket for the cargo, and alleged that it was accidental, and asked for time to produce it, Harvey gave him time on condition that the goods should be appraised and their value deposited with Little, the treasurer, to be paid over by him to the crown if the cocket were not produced within a certain time. It was not produced, and Little paid over the money. Harvey died, and Porter then persuaded the *collector* of Bath (who had seized the vessel) to institute an inquiry in his, Porter's, court. The end of it was, that he made Harvey's estate pay several hundred pounds, and condemned Little also to pay an exorbitant sum; and when Little put in his plea, in due form, he was fined one hundred pounds for doing it. In short, the court of admiralty was a regular sharper's shop while it was presided over by "Edmond Porter, esquire, judge."

In the completion of this part of our work, it only remains that we invite attention to some of the points and principles of law settled by the adjudications of the period under review, and we shall then have completed as full a picture as our materials afford of all that belongs to the subject of jurisprudence, while North Carolina belonged to the lords proprietors.

One of the points adjudged was, *that from the decision of the general court of Carolina, no appeal could be taken to the king in council.* According to the view we entertain of the original political status of the American colonies, we think this decision was, in principle, correct; though we are not prepared to rest it solely on the reasons assigned by the court. The subject deserves a brief consideration.

The colonies that afterward formed the old thirteen States of the American Union, were founded on three distinct forms of original organization. Their charters, or fundamental constitutions, were different. Some of the colonies had their origin in corporations established *within the realm of England*, for purposes of trade merely; some were founded on grants of palatine sovereignty, made to proprietors of territory in America; and some were retained in the hands of the king, as royal colonies. When the discovery was made of the danger to England, arising from the almost boundless grants that had been made of royal prerogative and power, and it was found that the control of the crown was, in many instances, a dead letter, naturally enough the effort was made to annul charters by a *quo warranto*, and thus regain a dominion which kings had parted with too incautiously: the effort was to make, if possible, all the colonies immediately subject to the crown, as parts of the "estates of the realm." After the Restoration, the pleasure-loving king, untaught by experience, and regardless of the wise warnings of those who knew most of the colonies, as well as of the previous policy of getting power out of the colonies back into the crown, with heedless recklessness made grant after grant of proprietary governments in America, and in them all established provinces and granted *jura regalia* as ample as belonged to the county palatine of Durham. Thus, in 1651, the Caribbee Islands were granted to the Earl of Carlisle, to hold as the Bishop of Durham held. The charters to Lord Baltimore

for Maryland, and to Sir Ferdinando Gorges for Maine, were by the same tenure; and we have seen that a similar grant was, in this respect, twice made to the proprietors of Carolina.

Now there was no right of appeal from the courts of the county palatine to the king in council: the courts were independent. The king's writ originally did not run in Durham; and in Carolina the writs were in the king's name only by virtue of a special act of parliament. Yet it is very certain that in some of the colonies, not royal, such appeals were asked and granted. The question thence arises, How did the custom originate? The answer seems to be this: When the efforts were in progress to regain for the crown what it had so incautiously given away, the idea was originated of assimilating the American plantations, in their relation to the throne, to the duchies of Gascoigne or Normandy, and was strenuously enforced in parliament. If this resemblance were real (and it seems to have been assumed so to be), then the constitution of the colonies was at once changed, and became like that of the island of Jersey, which was originally part of the duchy of Normandy. At any rate, it is from the period of this public, parliamentary assertion of resemblance, that this matter of appeal to the king in council appears to have grown up. In Normandy, an appeal might be taken from the courts to the duke in council. In Jersey, a dependency of the crown, appeals are made to the king instead of the duke, or rather as duke, according to the ancient custom of Normandy. The laws of Jersey may be classed under three heads: 1. The ancient customs of Normandy,—these are written, and make the body of the statute law; 2. Municipal or local usage,—this is analogous to the common law in England, and is unwritten; and, 3. Constitutions and ordinances made from time to time by the king or his royal commissioners, together with such regulations or orders as were transmitted to Jersey from time to time by the council. It was the power possessed by the king and council, in this last particular, which suggested the thought that the American colonies might be directed, in some degree, by king and council, and that therefore they constituted, properly, the court of last resort for the colonies. This is the most satisfactory explanation we can find of this appeal to the king and council, from the tribunals of the counties palatine established in

America.[1] Practically, the point is now of no importance, but it is worth our notice, in passing, as one of the items in our early judicial history.

The case in which the question arose in Carolina was on a special verdict in an action of ejectment. A feme covert made a will disposing of certain lands, of which she had been made trustee by the will of a former husband, and in pursuance of his directions in the will. It was the opinion of the court, on the construction of the two wills, "1st, that she had a fee simple qualified in the lands, under the will of her first husband; and 2d, that her will, although made during coverture, yet being to pass lands pursuant only to the will of another, and to execute an authority, was good and sufficient in law."

The defendant prayed an appeal to the king in council, and that the writ of possession might be stayed until judgment was rendered on the appeal. The chief grounds taken in opposition to granting the appeal (for they are all spread upon the record), were—1st, that there was "no law, rule, or custom for this court (whose authority, as appears by commission, is as full within this government as that of the King's Bench in Great Britain), to stop execution of their judgment, by the appeal here made;" 2d, "this court cannot, by law, compel the parties to appear before the king and his council, nor ascertain any time for their so doing;" 3d, "nor is it certain that the king in council will take cognizance thereof."

"The matter being duly weighed, it is the opinion of this court that they have no power to compel the parties to appear before the king and council; nor can they, by law, upon this, the defendant's motion, stay execution; which, therefore, they order to be done."[2]

Another case settled the principle *that one tenant in common could not have his action at law against his co-tenant.* One of the

[1] The curious reader may find this whole subject, of the colonial relations to the crown, well discussed in 1 Pownal on the Colonies, chap. iii.

[2] Blackstone, book i. ch. 5, teaches a different doctrine. He states that in "plantation causes which arise out of the jurisdiction of this kingdom," the privy council is "the court of appeal." And again, "from all the dominions of the crown, except Great Britain and Ireland, an *appellate* jurisdiction (in the last resort) is vested" in the privy council. He adds, that it "exercises the judicial authority in a committee of the whole council, who hear the allegations and proof, and make their report to his majesty in council, by whom the judgment is finally given."

parties here brought to our notice is Seth Sothell, an individual of great historical notoriety in Carolina. He was one of the lords proprietors, and, at one time, governor of the province. After Sothell died, the attorney-general, in his own name as attorney-general, and therefore, as he claimed, official agent of the lords proprietors in this behalf, brought suit, for their lordships' benefit, against the representative of Sothell for certain arrears of quit-rents which had been received by Sothell, and for which he had never accounted to his co-proprietors.

The defence was two-fold: 1st, that the attorney-general, without a special power of attorney from the lords proprietors for the purpose, could not, merely by virtue of his official character, maintain the suit in his own name, for their lordships' benefit; and 2dly, that as it appeared, from the plaintiff's own showing, that the parties thereto were tenants in common, this suit could not be maintained at all. The court overruled the first plea; but on the second ground taken, dismissed the suit.

Another case involved a question of *privilege*, and though it was held under an *advisari*, and we cannot find on the records the ultimate decision, we notwithstanding present it as contributing to throw light on the professional attainments of the day, and aiding us in our attempt to picture the administration of the law. The suit was an ejectment, in which Governor Eden was the tenant in possession, under a lease from Col. Pollock, who claimed the premises as proprietor in fee simple. The usual notice was given by the casual ejector to the tenant in possession, and Col. Pollock came in, and not having been made the real defendant, in the trial of title, filed a plea of privilege, setting forth that he was the owner of the property in dispute, that as a member of the council he was a judge in the court of chancery, and that by the laws of England any officer of the court of chancery, if sued in any other court, in any common plea, should have privilege, by writ, or pleading such privilege, to have the suit stopped and cease in that court. He, therefore, prayed that he might have his privilege, and the suit might cease according to law.

In reply to this, the following reasons for not granting the prayer were filed by the plaintiff's attorney:

1. The record did not show that Col. Pollock had been made

a defendant; and until that were done, he had no right to enter any plea at all, not being a party on record.

2. The plea of privilege does not extend to the plantations, because the law of the province has made provision to serve declarations, in suits at the common law, on members of the council and of the court of chancery, by leaving copies with them; and such has always been the practice in the province, as appears from the precedents.

3. Granting that such privilege extends to the colonies, Col. Pollock is not entitled to it, because, though a member of the council, he is not *bound* to attend the chancery and sit as a judge therein.

4. If such privilege exist, it can only be obtained by suing out a writ from the court of chancery, and here there is none.

5. Actions of ejectment are fictitious in form; and if the privilege claimed be allowed, it would at any time be in the power of a defendant to remove such actions into chancery, because it is very easy to entitle any member of that court to be a party to such suit.

6. In this action there is no necessity of making or considering Col. Pollock a party; because any person may be defendant, and claim under title from him; and, on the trial, that title can and would be as fully investigated as if he were a party.

7. This plea of privilege, if granted, can only cause useless delay; because if begun in chancery, it must there be tried, as to title, *secundum legem et consuetudinem Angliæ*, and not *secundum æquum et bonum;* and upon any error committed therein, it might be reversed here.

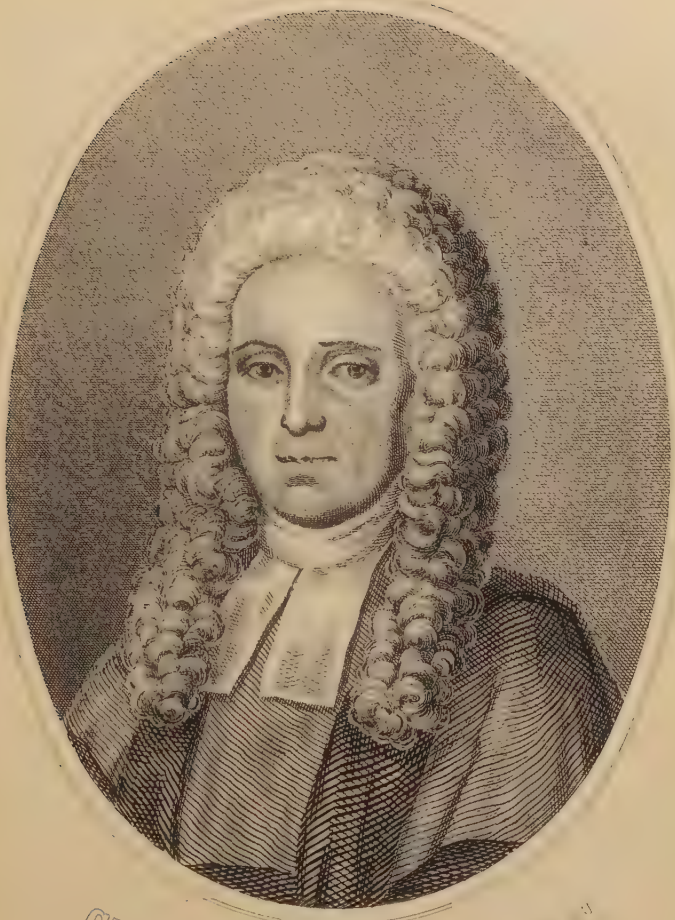
"And because the court here, of giving their judgment is not fully advised, day is given to the parties until the next court, for further arguing of and upon the premises."

There was also, during the period of which we write, another point of law determined which materially affected the question of the relation of the colonists to the mother country. This case, however, was not tried in the province, but in England. The statute of 35 Henry VIII., ch. 2, had made high treasons, committed *without the realm*, offences which might be tried in the Court of King's Bench in England, and in 1680 occurred the first trial under that statute. The accused was Culpepper, and the case is very briefly reported by Vaughan. This man, during the insur-

rectionary troubles of 1667 and the year following, of which a particular account will be found on a future page, was very conspicuous as a leader of revolt, and in fact completely overturned the proprietary government; and assuming, among other things, the functions of a royal collector, received the king's revenues from the customs and appropriated them to his own purposes. After two years of successful revolt, Culpepper ventured to visit England, in the hope of making peace with the proprietors, whose authority he had contemned and overturned. Just on the eve of his return, on the representation of "the commissioners of customs" to the king, showing his embezzlement of some £3000 of the revenue in Carolina, he was arrested and indicted for high treason, committed in Carolina. No question was made of the legality of trying him in England, under the statute of which we have spoken, and he was unquestionably guilty. He was saved, however, by the immense influence of Lord Shaftesbury, one of the proprietors, who, from some cause or other, saw fit to befriend him. Five witnesses established every circumstance of the revolt, and proved that Culpepper was a chief actor in the insurrection. But Shaftesbury represented that it was no revolt, but a mere feud between different parties of the settlers, and he was acquitted, contrary to the opinion of the judges, who thought him guilty of treason in forcibly opposing the *proprietary government*.[1] The statute of Henry VIII. recognized treasons only against the *royal* authority. Had the proprietors come to be considered *in loco regis?*

And here we conclude our chapter on the law and its administration, with the expression of a hope that the picture of jurisprudence in proprietary times, if not brilliant or exciting, is at least truthful and intelligible; and that while it gratifies the curiosity of the general reader, it may also serve to communicate to the young professional student information on particulars, whereof it has been our lot by that class to be questioned for information. Most of all do we desire it may be seen that Carolina has no more cause than her sister colonies to be ashamed, either of her early courts or her first legislation. For the particularity of detail into which we have been sometimes forced, we offer no apology; it has been intentional, because without it our picture had been both untruthful and incomplete.

[1] 1 Chalmers' Hist. of the Revolt of the American Colonies, p. 169.



From an original belonging to his lineal descendant,
George Little Esq. of Raleigh.

CHAPTER THIRD.

AGRICULTURE AND INDUSTRIAL ARTS.

1663—1729.

PRELIMINARY DOCUMENT TO CHAPTER THIRD.

SUBJECT:

AGRICULTURE AND INDUSTRIAL ARTS.

1711. Extract of a Letter from Mr. Urmston to the Society for the Propagation of the Gospel.

Extract of a Letter from the Rev. John Urmstone to the Secretary of the Society for Propagating the Gospel.

North Carolina, *July* 7, 1711.

——. Workmen are dear and scarce. I have about a dozen acres of clear ground, and the rest woods, in all, three hundred acres. Had I servants and money, I might live very comfortably upon it, raise good corn of all sorts, and cattle without any great labor or charges, could it once be stocked; but for want thereof shall not make any advantage of my land. I have bought a horse some time ago; since that, three cows and calves, five sheep, and some fowls of all sorts, but most of them unpaid for, together with fourteen bushels of wheat, for all which I must give English goods. At this rate I might have had any thing that either this government or any of the neighboring colonies afford; but had I stock, I need not fear wanting either butter, cheese, beef, or mutton, of my own raising, or good grain of all sorts. I am forced to work hard with axe, hoe, and spade. I have not a stick to burn for any use, but what I cut down with my own hands. I am forced to dig a garden, raise beans, peas, etc., with the assistance of a sorry wench my wife brought with her from England.

Men are generally of all trades, and women the like within their spheres, except some who are the posterity of old planters, and have great numbers of slaves, who understand most handicraft. Men are generally carpenters, joiners, wheelwrights, coopers, butchers, tanners, shoemakers, tallow-chandlers, watermen, and what not; women, soap-makers, starch-makers, dyers, etc. He or she that cannot do all these things, or hath not slaves that can, over and above all the common occupations of both sexes, will have but a bad time of it; for help is not to be had at any rate, every one having business enough of his own. This makes tradesmen turn planters, and these become tradesmen. No society [mixing] one with another, but all study to live by their own hands, of their own produce; and what they can spare, goes for foreign goods. Nay, many live on a slender diet to buy rum, sugar, and molasses, with other such like necessaries, which are sold at such a rate that the planter here is but a slave to raise a provision for other colonies, and dare not allow himself to partake of his own creatures, except it be the corn of the country in hominy bread.

NARRATIVE.

CHAPTER III.

AGRICULTURE AND INDUSTRIAL ARTS.

Seldom has it fallen to the lot of colonists anywhere to pitch their tents in a country more fertile than was the old county of Albemarle; in a land more favored by climate for agricultural purposes, or more abundant in spontaneous products that would furnish food for man. A very little labor yielded a very large return. The fertility of the country yet remains, and the "North Counties," as they are called by the dwellers on our more southern seaboard, still constitute the "garden of North Carolina." There is a variety of soil; in some instances formed chiefly of the accumulations of vegetable deposit through a long course of years, and in its inexhaustible fertility yielding "some thirty, some sixty, and some an hundred fold." There are no more productive lands anywhere than those which, in the northeastern part of the State, have been reclaimed from the swamp by drainage. But there are other good lands beside these; and in the variety presented, the agriculturist may find some stiff, others light: here the broad savanna, affording natural pasturage, and there the heavily timbered, rich black mould of the water-courses; while scarce a stream winds its way eastward to the coast, in the banks of which may not be found the fertilizing marl.

The traveller passing through the region of the State immediately adjacent to the sea, is struck by the seemingly interminable extent of the pine forests standing on a light, sandy soil, and is apt too hastily to conclude that all is barren. But a very large extent of country, even in this lowland region of pine, is composed of immense tracts of reclaimable swamp, than which no better land exists even on the most fertile spots of the banks of the Lower

Mississippi, while westward of the pine region the undulating highlands of Middle Carolina will amply repay the labors of the husbandman.

The first colonists happened to plant themselves in a region where their labor brought into cultivation rich lands only. All around Albemarle Sound were streams making in at no great distance from each other, the banks of which needed but to be cleared and opened to the sun, to repay the planter's toil with most abundant harvests; while from the Virginia line down to the seashore in Carteret (the region in which all the first settlements were made), were the reclaimable and wonderfully productive swamp-lands of the present counties of Camden, Pasquotank, Perquimons, Chowan, Bertie, Washington, Tyrrel, Hyde, Beaufort, Craven, and Carteret. The work of reclamation in these is even now, in our own day, but partial; yet enough has been done to show that, when once brought into cultivation, the State will possess no richer agricultural district than the lands lying on her eastern border.

The territory between Perquimons and Little rivers was, as we think, the first land cleared and cultivated. It was fertile when Durant commenced there his labors in 1660—it is fertile yet. It is not difficult, with the assistance afforded by Lawson and the early manuscripts in our possession, to call up before us a picture of the natural aspects of the country in that day, on the truthfulness of which, as to its leading features, we may safely rely. The land was cut up by the rivers and their tributary creeks into "necks," as they were termed, or peninsulas, covered with the heavy timber of the original forest growth. In the lowlands there rose the naturally buttressed cypress, assuming the aspect of a venerable old age, as well from the long pendent beard of gray moss which drooped from its branches, as from the immense size of its trunk and height of its topmost boughs. Lawson tells us of some thirty-six feet in circumference. Hard by rose the ever-green cedar, both red and white, with its aromatic odor—the gum, with its sweet-scented drops, exuding from the wounded bark: invaluable for its toughness, almost impossible to split, and hallowed, in the superstition of the Indian, as the tree that was never struck by the thunderbolt. The graceful and melancholy-

looking willow mournfully hung down its long weeping branches, gently to kiss the stream on the side of which it grew; while, in neighborly contiguity, rose the stately sycamore, with its smooth, mottled bark, and round, feathery balls of vegetable down. The bay, the laurel, and the myrtle all sought the low ground on the river's brink; while higher up, on the drier land, there stood the dogwood, with its delicate, beautiful white blossoms, the first to flower in our woods, and, heralding the spring, to tell us that summer is nigh. The magnificent poplar or tulip tree, with its diameter of ten feet (as Lawson once saw it), and its flower of pure white, was there; and so was the large family of oaks,—the live, the red, the white, the black, the Spanish, the chestnut, the scaly-bark, and the ever-green fresh-water. The ash, the elm, the beech, the birch, the sassafras, the persimmon, the locust, the pine, the hickory, the black-walnut, the maple, the chestnut, the chinquepin,—all these, too, were there, mingled in wild but beautiful confusion.

Of minor vegetable productions, the variety was great. The honeysuckle of three several kinds, the woodbine, the prince's-feather, the sunflower, the lupine, and the yellow jessamine, of exquisite perfume, were all spontaneous productions of the country.

Clambering on the loftiest trees, and flowering at their very tops, were to be seen various creeping vines, among which none was more conspicuous than the scarlet trumpet-creeper, with its bell-like flower of deepest red, contrasting beautifully with the green foliage of the tree around which it had fastened its tendrils. But we cannot enumerate all the plants and herbs which the first colonists found in rich profusion covering the land; suffice it to say, that the vegetation was alike rich and varied. There was, however, one native plant, the virtues of which the colonists learned from the Indians, and of which it is proper to speak with some particularity. This was what Lawson calls the *Yaupon*. Botanically, this shrub belongs to the genus *Ilex:* some have supposed it to be the *Ilex vomitoria*, known to the Indians of Carolina by the name of *Cassena;* others have thought that it is the *Ilex Paraguayensis* or *Matè* plant of Brazil, to which latter opinion we confess we incline.

The *yaupon* of Carolina is a bush growing on the sea-shore, or rather on the sand-banks and islands of our coast, where it is quite

abundant. Some of the bushes attain to the height of ten or twelve feet; generally it is about three or four feet only. Of this variety, some may be found in swamps or rich low grounds, but in such case the leaf is larger and of a deeper green. Another species never attains to a foot in height, and is found alike in rich low-lands and on the sand-hills. Both cattle and sheep crop this smaller species greedily. This dwarfish yaupon may be transplanted, and will thrive well the second year after its removal. The colonists found that the natives of the coast not only used this plant themselves, but disposed of it in considerable quantities to the Indians in the interior. Their mode of using it was as follows: They bruised the plant, both the leaves and smaller twigs, in a mortar, until it became black and the leaves were reduced to fragments. It was then placed over a fire in the earthen pot of the Indian, and stirred continually until it smoked. It was then spread upon mats in the sun, and when thoroughly dried, was ready for use. It was mixed with warm water and boiled, after which it was drunk. The Spaniards of Florida and the English of Carolina, however, commonly filtered it before drinking, and added sugar, and sometimes the juice of the lemon. We have been thus particular because of our belief of the identity of the Carolina yaupon with the *matè* or Paraguay tea of Brazil, a plant of great *commercial value.*[1]

[1] From such examination as he had been able to make, the author had suspected the identity above alluded to, and was, therefore, not a little gratified to find his suspicion changed to certainty, by the testimony of a competent American botanist residing in Brazil. He came unexpectedly on the evidence, in the perusal of the very interesting and valuable work entitled "Brazil and the Brazilians," by the Rev. Dr. Kidder and the Rev. Mr. Fletcher, just published (1857). The extract, though long, is worth inserting entire.

"In the interior of the province of San Paulo" (says Mr. Fletcher), "after my visit to Santa Catharina, I met with an American physician, a man of great scientific tastes and acquirements, who has taken up his residence in South America for the purpose of research in his favorite study of botany. In the course of many interesting conversations with him in regard to the various vegetable riches and wonders of the surrounding regions, I was not a little pleased to find that he was perfectly acquainted with the mode of preparation, as well as the class and family, of the plant in question. Matè, as I have already mentioned, is the name of the prepared article of the tree or shrub known to botanists as the *Ilex Paraguayensis*. It is classified by Von Martius as belonging to the *Rhamnèe* family, and he gives it the scientific name of *Cassine Gongonha*. The Spaniards usually denominate it *Yerba de Paraguay* or *Matè*.

"While in Paranaguá, I observed many rawhide cases which the blacks were unloading from mules, or conveying to the ships riding at anchor in the beautiful bay. Upon in-

Of wild fruits, nature had been most bountiful. Everywhere in the woods might be found the grape-vines which had made for themselves arbors of the trees, and, stretching in all directions, were covered with their heavy clusters of fruit. Nor was there

quiry, I learned that these packages, weighing about one hundred and twenty pounds each, consisted of matè. This substance, so little known out of South America, forms truly the principal refreshing beverage of the Spanish Americans south of the equator, and millions of dollars are annually expended in Buenos Ayres, Bolivia, Peru, and Chili in its consumption. This town of Paranaguá, containing about three thousand inhabitants, exports every year nearly a million of dollars' worth of matè.

"In Brazil and in Paraguay it can be gathered during the whole year. Parties go into the forests, or places where it abounds, and break off the branches with the leaves. A process of kiln-drying is resorted to in the woods, and afterward the branches and leaves are transported to some rude mill, and there they are by water-power pounded in mortars.

"The substance, after this operation, is almost a powder, though small stems denuded of the bark are always permitted to remain. By this simple process the matè is prepared for market. Its preparation for drinking is equally simple. A small quantity of the leaf, either with or without sugar, is placed in a common bowl upon which cold water is poured. After standing a short time, boiling water is added, and it is at once ready for use. Americans who have visited Buenos Ayres or Montevideo may remember to have seen, on a fine summer evening, the denizens of that portion of the world engaged in sipping, through long tubes inserted into highly ornamented cocoa-nut bowls, a liquid which, though not so palatable as iced juleps, is certainly far less harmful. These citizens of Montevideo and Buenos Ayres were enjoying, with their *bombilhas*, a refreshing draught of matè. It must be imbibed through a tube, on account of the particles of leaf and stem which float upon the surface of the liquid. This tube has a fine globular strainer at the end.

"Great virtues are ascribed to this tea. It supplies the place of meat and drink. Indians who have been laboring at the oar all day, feel immediately refreshed by a cup of the herb, mixed simply with river-water. In Chili and Peru the people believe that they could not exist without it, and many persons take it every hour of the day. Its use was learned from the natives; but having been adopted, it spread among the Spaniards and Portuguese, until the demand became so great as to render the herb of Paraguay almost as fatal to the Indians of this part of America as mines and pearl-fisheries had been elsewhere.

"It grows wild, and never has been successfully cultivated, although attempts were made by the Jesuits of Paraguay to transplant it from the forests to their plantations. These attempts have been considered by many without result; still, there are others who consider that the experiment justifies further efforts, and are urging this day the *domestication*, so to speak, and the cultivation of matè under a regular system.

"But that which astonished me most in the doctor's conversation was the statement that a shrub similar to the *Ilex Paraguayensis* was indigenous to the United States, and that a decoction of its leaves and branches was actually used as a beverage in the region where it grew.

"His life had been full of adventure in every portion of the globe; and when he was a younger man he roamed over each Southern and Western State, hunting for the weed which was vulgarly supposed to cause the 'milk-sickness.' Although he did not find the cause of that disease, which has so damaged many a speculation in Western towns and villages, yet he made the acquaintance of a little tree in North Carolina, from the

any lack of variety. The delicious "scuppernong" (or, as we find it written in the earliest records, "*es-sco-per-non*"), than which no grape that grows is more luscious, was there in almost incredible abundance. The large purple muscadine, the small black bunch-grapes, perfect after the frost has touched them, the white bunch-grapes, the summer and winter fox-grapes, all might be had for the mere trouble of gathering them. The mulberry, of three varieties, white, black, and red; the persimmon, wild cherry, purple wild raspberry, four kinds of whortleberries, the blackberry, dewberry, barberry, several sorts of wild plums, including the damson and black, white and red currants, were all found among the spontaneous productions of the country. Lawson mentions also the wild fig, but states that its existence was not known to him from personal observation; he had but heard of it from others. We are inclined to think it was not indigenous. A species of peach (the Indian or blood peach) was claimed by the natives as their own, they affirming that it grew among them before Europeans came to America. From some peculiarities, Lawson supposed that it might be a spontaneous fruit of the country; and adds that the Indians living in the interior of the country, far removed from the whites, had that species and none other; and those living among the colonists had a hundred trees of the blood

leaves of which many of the country people of the old North State 'make tea.' If I remember rightly, he informed me that it was the *Ilex Euponia;* but scientific readers must not hold me responsible for this name, as my note-book may probably mislead me. A few years afterward, Dr. ——— was in this, the most glorious field for a botanist in the world—this Southern Brazil, whose magnificent *flora* has been the wild delight of every favored follower of Linnæus who has been permitted to enter it. In the course of his rambles he encountered the *Ilex Paraguayensis*, and immediately saluted it as his old acquaintance (under features but little different) of North Carolina. Some months elapsed, and he visited Paranaguá; and he was almost as much surprised at another discovery, which was not, however, in the botanical line. He found in this out-of-the-way part of Brazil an American woman engaged in the delightful art of preparing *feijoes* and *toucinho* (pork and beans) for natives and foreigners who might patronize her establishment. In conversation with Dr. ——— in regard to the matè, she exclaimed, 'Why, doctor, this is the same *truck* we use in *Caroliner* to make tea!' Here was a most striking confirmation of the true conclusion of science."

Thus far the Rev. Mr. Fletcher. We will only add that upward of five millions of pounds of the leaves of this shrub are annually collected in Paraguay alone; and millions of dollars' worth of it are annually sold in South America. The subject is worth the attention of our countrymen: the yaupon may perhaps furnish a new and very profitable article of export.

peach for one of any other kind. While, therefore, he inclines to the opinion that it may be a native fruit, he is careful to say, "In those parts of America that we inhabit, I never could hear that any peach-trees were found growing *in the woods*." And yet the peach in some of its varieties might well be a native of North Carolina. It is generally believed to have originated in Persia; but it is not indigenous in that country solely. Professor Pallas states that he found it growing wild in the more southern parts of the Caucasus; and it certainly has been found native in various parts of Turkey in Asia. Its favorite habitat seems to be between 30° and 40° of latitude, and we can see no reason why it may not have been one of the wild fruits of North Carolina.

The wild strawberry must not be omitted, for it was one of the most abundant of the natural productions found by the first settlers; and if to these we add nuts of divers kinds on the hickory, chinquepin, walnut, hazel, and other trees, it will be seen that the supply of native fruits was unusually large in Carolina.

Nor was the supply of animal food less abundant and varied than that afforded by the fertile earth. Among the beasts fit for food, we may enumerate, first, the buffalo, though now it is not to be found within hundreds of miles. Lawson informs us that in his day, though rare, it did sometimes leave its haunts on the Mississippi and wander into Carolina. He had known some to be killed on the "hilly part of Cape Fair River," and found the skins of buffaloes used by the Carolina Indians, even as they are now by the Western tribes, for beds and various other purposes. In running the boundary line between Carolina and Virginia, the commissioners not only saw, but killed the buffalo. The bear was very common, and used constantly for food, being by many deemed preferable to beef, veal, mutton, or pork. "I who have eaten a great deal of bear's flesh in my lifetime" (says Lawson), "do think it equalizes, if not excels, any meat I ever eat in Europe." There are but few who have eaten of it that would not endorse this statement. The opossum (peculiar to America) was another animal, the use of which as food was taught to the English colonists by the natives: the whites found the "flesh very white and well tasted," says Lawson. The raccoon was also abundant, and we need not add was found to be excellent food. The American rabbit fre-

quented the meadow grounds and marshes, and the colonists had but to fire the latter when dry, and kill an abundance of this timid but palatable animal. The European coney, or English burrowing rabbit, was also in the country at that day, though probably not native. Lawson knew of the existence of this species in but one place, and that was on Trent River; he heard of them also "upon Bodie's Island by Roanoak;" but, in both instances, supposed them to have reached the land from some ship. That monarch of the deer species, the large-horned elk, was among the native animals of Carolina, though not very abundant; while the stag and fallow-deer were plentiful, as were also several varieties of the squirrel.

The green "turtle," as it was called, was a species of tortoise sometimes found on the coast, though the "hawk's-bill" and "logger-headed" were much more common. Of terrapins, both land and water, there was no scarcity, while shell-fish of various kinds were easily to be procured. The water-fowl were very numerous, including swans, geese, brant, and ducks, both summer and winter, of which latter an abundance still remains in the State; while on the land were the wild turkey, of which Lawson says he had seen five hundred in a flock, pheasants, woodcock, snipe, partridge, moor-hens or grouse, wild pigeons in countless numbers, doves, larks, orioles, and rice-birds, with numerous others. It will thus be seen that, in the mild climate of Carolina, Englishmen, who had fire-arms, were in no danger of starvation, even if they labored but little to make agricultural products.

The reader will now, we hope, be able to form for himself a truthful picture of the state of the country as to soil and spontaneous vegetable productions; and when he remembers the abundance of fish and game of which we have spoken, he will have a correct idea of the condition of the first settlers as to probable comfort, and understand better the labors, agricultural and otherwise, to which their position called them.

The first necessity was obviously that of erecting a shelter from the weather, and clearing the land for the reception of the seed. As to the first, it probably took but little time: the log hut formed, of course, the first residence, and the axe, the augur, and the saw were all the tools required or used in its erection. Then came the hard labor employed in removing the trees from the heavily

timbered land. This introduces an inquiry as to the agricultural laborers. Who were they?

First, there were negro slaves. It has unhappily seemed meet to the self-glorifying humanity of modern times, both in England and in some portions of the United States, to lift the hands and eyes to heaven in holy horror, and descant with a somewhat clamorous indignation, transmuted by self-righteousness into imaginary Christian zeal, upon the godliness which prompted it, on the one hand, to free itself from all connection with slavery; and the atrocious and damnable guilt, on the other hand, of all those who, having in God's providence been intrusted with the *protection* and *comfort* of the poor southern slave, have not yet been able to see that immediate and universal emancipation would either discharge them from their solemn responsibilities to God, or fulfil the duty which they owe both to their country and their slaves. Now we mean not, here at least, to discuss in the abstract the correctness of the one or the other view of the subject; but in telling our story, as truth requires of us to say our forefathers had negro slaves, we would fain tell the *whole* truth, and therefore we feel obliged to offer a picture of past times, and speak of things as they were. Our digression shall be brief. We are not sure that our picture will reflect much credit on the humanity of our English forefathers; and it may, perhaps, even ruffle the pious complacency of some of our northern countrymen, who may possibly be led to suspect, that after all, their own ancestors were not less wicked than those whom they now denounce as irrecoverably damned; while they themselves are "partakers of other men's sins," by living, without compunction, on the profits of their forefathers' iniquity.

Who first brought these negro slaves to North America? We answer, without hesitation, Englishmen, under the countenance of the English government. A late British writer[1] has, with great zeal, denied that England "*forced* the Americans to become slave-holders;" while, at the same time, he has admitted that Great Britain "facilitated her colonial offspring to become slave-holders;" "encouraged her merchants in tempting them to acquire

[1] Mr. Graham of Edinburgh. See his History of the United States, vol. i. Boston edition, p. xlviii. of "Memoir."

slaves;" and "excelled all her competitors in slave-stealing." This is all true; but there is also more truth that England's apologist has left untold. The English people embarked in the African slave-trade in 1562, and in that year carried a cargo to Hispaniola. The success of the speculation soon enlisted others in the business; and private associations, embracing some of the most opulent and distinguished men of the kingdom, were speedily formed. Very soon the object was considered of national importance, as connected with the commercial pursuits and prosperity of the country. In the reign of James I. (1619), a royal charter made a joint-stock company in London, with the exclusive privilege of taking negroes from Africa, and carrying them into slavery. Private adventurers interfered so much with this trade, that the charter was at last abandoned. Charles I. granted another charter, which from the same cause (private cupidity and interference) shared the fate of the former. When Charles II. came to the throne (1661), Davenant informs us that "a representation being soon made to him that the *British plantations in America* were, by degrees, advancing to such a condition as necessarily required a greater yearly supply of servants and laborers than could well be spared from England, without the danger of depopulating his majesty's native dominions, his majesty did (*upon account of supplying these plantations with negroes*) publicly invite all his subjects to the subscription of a new joint-stock, for recovering and carrying on the trade to Africa."[1] The subjects came in crowds at the monarch's call, and the subscription lists show the names of numbers of the first people in England. From this time the trade to Africa was considered and treated as of *national* concern: parliament, from time to time, interfered to sustain and improve it, so that in 1792, no less than six-and-twenty acts might be counted on the English statute book, directly sanctioning and encouraging the African slave-trade.

This trade was deemed so important by England, that it involved her in a war with the Dutch: she sought a monopoly of the traffic; she had two thirds of the whole slave-trade of the world; she stipulated for its enjoyment in her treaties with foreign pow-

[1] Davenant's Works, vol. v. Reflections on the African Trade.

ers; she kept constantly employed in it from one hundred and fifty to two hundred ships; she built forts in Africa to maintain it; she voted parliamentary grants of money to uphold it; and, if we include the whole period of time in which she carried on the business, *under legal sanction*, she took away more than six millions of negroes from Africa; and caused, in two centuries, the destruction of a number of these poor creatures, quite equal to two thirds of the whole of the present black population of the United States! It is not, therefore, perfectly accurate in Mr. Graham to assert, as he does, that prior to the reign of Queen Anne, "the slave-trade was not comprehended within the scope and operation of the commercial policy of the British government." Queen Anne came to the throne in 1702, and we have seen that, for a century before that time, the trade had been treated as a very important feature of England's "commercial policy;" sufficiently so to *cause a war with Holland*. As to his declaration that the mother country did not "*force*" slaves on the American colonies, it involves little more than a dispute as to the *meaning* of the word he has used. No penal laws, indeed, were made, punishing the plantations for not receiving slaves imported from Africa; but in 1662, countenance was given to their importation "upon account of supplying the plantations with negroes," at a time when their commercial relations with the mother country, under the English laws of trade, left them but a choice between the alternatives of an increase of the laboring population, or of a hopeless poverty and virtual serfdom. English men and English ships, under English laws, first brought the Africans to America as bondmen, and to such an extent, that negro slavery, before the commencement of the eighteenth century, existed in every one of the old thirteen States, except Georgia, which was not planted until 1733; and, without intending in any degree to extenuate the guilt of any of the colonies engaged in the traffic, we must be permitted to say, that it was England who brought the temptation to the door of her colonies; that England did it, not to serve them but to enrich herself; and that it was England's commercial regulations touching the plantations, that made the American colonists the more ready, in the necessities of their position, to yield to the temptation.

But England did a more cruel wrong in this matter than that merely of tempting the Anglo-Americans to buy. She placed before them a pernicious example, and thereby provoked them to imitation. The chief part of the commerce of the colonies was in New England; and it was not long before the vessels of New England were on the coast of Africa, seeking their cargoes of slaves. The molasses of the West Indies was brought home to the northern colonies, and converted into rum; this rum was employed, in Africa, in the purchase of slaves, who were carried to the West Indies and the continental plantations. The trade, as compared with that of England, was, of course, very small; but still, it was established, and continued for long years, even until it was prohibited by ourselves, after we were free, and, we may add, before England had abolished it. The coasting vessels of the northern colonies, too small to undertake voyages to Africa, occasionally brought into the country negroes from the West Indies, as did also some of the small craft of the southern plantations; though the number from this source was very small. The chief portion of the traffic was in the hands of the northern colonies, and so continued as long as it was permitted in America.

All, however, North and South, were slaveholders; all, too, were slave-traders. The northern colonists brought the negroes from Africa; the southern colonists bought them, and paid liberally for the purchase. If the South sinned in taking the slave, the North could not have sinned less in taking the money. If reparation for the sin is to be made by the one party, religion equally demands it of the other. If the South must emancipate, the North should disgorge principal and interest. In no other mode can *both* free themselves from the guilt which the descendant of the northern salesman imputes to the transaction. The Northman should therefore preface his proposition to his Southern brother by the offer, on his part, himself to do that which he urges as duty on his fellow-criminal. Let him surrender the accumulated wealth which has increased from the unlawfully acquired gains of his slave-*selling* ancestor, and then may he, with something like conscience and consistency, ask a surrender of the profits derived from the possession of the bondmen by the descendant of the slave-*buying* ancestor. Either he should do this,

or cease to reproach his brother for what he pronounces a great sin, while he is himself contentedly living on the profits of that great sin he thus condemns. And he should remember, too, that, in some instances, the sin, on the part of his ancestors, was greatly aggravated. After acts of emancipation in the northern colonies forbade the existence of negro slavery in them, beyond a future specified time, "there are living witnesses," says a modern writer, whose piety and ability are alike unquestionable, "who saw the crowds of negroes assembled along the shores of New England and the Middle States, to be shipped to latitudes where their bondage could be perpetuated. Their posterity toil to-day in the fields of the southern planter."[1] The reader may now see whence the negro slaves of Carolina first came, and who it was that brought them. No North Carolina vessel ever went to Africa for them. Neither Virginia nor South Carolina were ever deeply involved in the business of importing them from their native country. The vessels of old England and New England did that work. Both records and tradition have preserved the names of New England men who amassed fortunes in the business. Living witnesses can lay their hands on the descendants of these men, now revelling in the enjoyment of the wealth that was thus acquired. They, indeed, are not answerable for the acts of their forefathers; but they are responsible for their own sinful hypocrisy, if they clamor for the slave's emancipation, without being ready to surrender the money they are enjoying from his sale.

But there was another class of slaves employed in the agricultural labor of the province. This was composed of the natives of the country: some of the unfortunate Indians were slaves. But this species of bondage was not peculiar to the southern colonies. Indeed, the prevalent tone of public sentiment on the subject of slavery, was at that day very much the same in all parts of the continent inhabited by Europeans. Even in Pennsylvania, the law recognized the existence of negro slavery, though it would allow no importation of *Indian* slaves from the other American provinces. But in New England, a different doctrine prevailed as to Indians. Massachusetts, in 1641, before Carolina was settled, de-

[1] Modern Reform Examined, by Joseph C. Stiles, p. 81.

clared by law, that, as to two classes of the natives, "bond-slavery" might exist. These were "lawful captives taken in just wars," and such "as willingly sell themselves, or *are sold* to us" [*i. e.*, by their captors].[1] But Massachusetts went beyond this. At the termination of the fight between the Pequods and the troops of Massachusetts and Connecticut, in 1637, many Indians were captured. Some were made slaves in Connecticut, others in Massachusetts; and Trumbull informs us that of these latter, "many women and boys were sent to the West Indies and sold into slavery."[2] A law of Connecticut, touching the Indians, may still be read among her old statutory provisions, in which she enacts that, "as it will be chargeable to keep Indians in prison, and, if they should escape, they are likely to bear more malice, it was thought fit that the magistrates of the jurisdiction deliver up the Indians seized to the party or parties endamaged, either *to serve*, or to be *shipped out and exchanged for negers*, as the case will justly bear." When these laws were made, Carolina was not settled. The early statute books of New York and New Jersey also reveal the fact, that the first inhabitants of those provinces scrupled not to reduce the Indians to a state of slavery. When Carolina began to be peopled, she followed the general practice of the English then in America, and, by degrees, had Indian slaves, whom she had taken in war, or purchased from such of the native tribes as had thus captured them. The number, however, was never large, as, from 1663 to 1711, the colonists lived on amicable terms with the natives. The treatment extended toward them appears, too, to have been kind: we find them inmates of the families to which they belonged; and the fact incidentally appears, that, on occasions of religious worship in the houses of their masters, both they and negro slaves were present, and professedly Christian worshippers.[3] We apprehend that, in the severe labor of clearing the land, the Indian was employed less than the negro or white laborer. The occupation of the savage was most probably that of fishing and hunting, for the supply of the family table. In such employment he was more skilful than any other servant,

[1] Mass. Colony laws, published by order of the General Court, 1814, p. 52.
[2] Trumbull's Hist. of Connecticut, vol. i. p. 92.
[3] MS. letter of the Rev. Mr. Taylor, 1718.

and such pursuits harmonized best with his tastes and previous training. The waters abounded with fish and the woods with game; and we have evidence that, in some families at least, the Indian hunter was considered an indispensable member of the servile portion of the household. With the gun or the net, he was far more useful than he could ever be made with the axe.

There was also a third class of laborers whom our records show to have been in the colony. These were white men—English convicts transported to America for their crimes. Among all the acts of injustice perpetrated by the mother country toward the American provinces, there was not one more flagrant than this. She acted on the principle, that what was too vile for England was quite good enough for America; and her policy was eminently short-sighted. The authorities of the mother country forgot the wise words of Lord Bacon, in his essay on "Plantations," though they were specially written at the request of the first Virginia company. "It is a shameful and unblessed thing" (says he) "to take the scum of people, and wicked, condemned men, to be the people with whom you plant; and not only so, but it spoileth the plantation."[1] The transportation of felons convict is, at this day, an established and prominent feature in England's administration of her criminal law; but it was not always so. The substitution of banishment for death, is not a part of the common law: the practice, now fully legalized by statute in England, has grown up by degrees. Exile was first introduced as a punishment, in English law, in the reign of Elizabeth, anno 1596. It was then enacted, that "such rogues as were dangerous to the inferior people, should be banished the realm."[2] James I. virtually converted this into an act for transportation to America, without any aid from parliament, and by the mere exercise of his own will. He wrote a letter, in 1619, to the treasurer and council of the colony of Virginia (residing in London), commanding them "to send a hundred dissolute persons to Virginia, which the knight marshal would deliver to them for that purpose."[3] The first English statute which uses the word "transport" was passed in 18 Charles II.

[1] Bacon's Essays—Essay xxxiii.
[2] Barrington on the Statutes, 269. 1 Blackstone, 137.
[3] Stith's Virginia, p. 167.

(1666). This gives a power to the judges, at their discretion, either "to execute or transport to America for life the moss-troopers of Cumberland and Northumberland."[1]

Until the reign of George I., this mode of punishment was but little used. By statutes passed in the fourth and sixth years of that king (1718 and 1720), the courts were authorized to order *any* felons who were entitled to their clergy, on conviction, to be transported to the American plantations; and after these enactments the practice became common enough. The colonies to which they were sent were New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North and South Carolina, and, after 1733, to Georgia. The whole number sent is estimated by Lang, in his History of Transportation, at fifty thousand. But this emptying of the jails of England upon America did not pass without remonstrance from the colonies, and formed one of the serious complaints set forth in the enumeration of our grievances at the time of the Revolution; for England never discontinued the practice until we had achieved our independence. Virginia and Maryland sent their remonstrances to England, but in vain; Dr. Franklin, who was agent in London for Pennsylvania, made known the opposition of that colony to a forced companionship with the vile refuse of English society, and humbly begged that England would send over no more convicts. With wonderful coolness and indifference, he was told that their removal was indispensable to the social comfort of England, and that *therefore* they must continue the practice of transporting them to America. With his characteristic shrewdness and common sense, he exposed the selfish injustice by a short question. He asked if the Americans might act on the same principle, and send over their *rattlesnakes* to England.

The plan of transportation was this: Owners and captains of vessels contracted to carry the convicts; and as remuneration for the service, agreed, on their arrival, to sell them to the planters for the times named in their respective sentences. Lang tells us that these transported felons, male and female, were "bought by the planters for the terms specified in their respective warrants, and worked with the negro slaves, under the lash of an overseer."[2]

[1] Penny Cyclopædia, *verbo* Transportation.

[2] Lang's Hist. of Transportation, pp. 37–39.

We have seen, in the chapter on the laws, the extent of the master's powers and the convict's privileges. So common and well understood was the practice of selling convicts into colonial slavery, that one of the most remarkable of England's writers of fiction, who lived at the time, availed himself of the existing custom to build on it one of the most startling incidents of his story; and the "Moll Flanders" of Defoe presents a picture of convicts transported to Virginia, which, drawn from events around him, is sketched, according to his custom, with minute accuracy of detail, and wants no additional touch to improve its verisimilitude. As to the criminals themselves, their condition was varied according to circumstances. If they or their relations were possessed of wealth, they had but to offer the captain a higher price for themselves than he could get when he reached America and exposed them in market overt, and then they never went into bondage nor were ever made the subject of a bid. Sometimes too, when they were poor, and consequently sold, they found a stimulus to seek the improvement of their condition, and emerged from their degraded position. An old writer, in speaking of Virginia, thus describes them: "They go there poor, and come back rich; there they plant, trade, thrive, and increase; even your transported felons, sent to Virginia instead of Tyburn, thousands of them, if we are not misinformed, have, by turning their hands to industry and improvement, and, which is best of all, to honesty, become rich, substantial planters and merchants, settled large families, and been famous in the country; nay, we have seen many of them made magistrates, officers of militia, captains of good ships, and masters of good estates."[1]

But sometimes the owners and masters of ships did not wait for the sentence of the law to furnish them with a cargo. The picture of society in the ports of England at that day, brings to our notice, and especially in London, the habit of kidnapping those convicted of no crime, but who, found perchance in a moment of drunkenness, or overcome, if sober, by brute force, were hurried on board

[1] Postlethwayte's Dict. of Commerce, vol. ii. p. 319. The Herald's office, which (it is well known) preserves with great care the *genuine aristocracy* of America, can doubtless furnish a list of these felons thus converted into gentlemen. They must by no means be confounded with the "first families" of the country, who never thus stole into notoriety.

the vessel ready to depart, and presently found themselves exposed to sale as slaves in some one of the American plantations. Children were stolen and sent over.[1] The planter was much too discreet to ask troublesome questions, and the captain, of course, told what lies he pleased. Another but small class of temporary white bondmen was to be found in those who were bound as apprentices, both in England and in the province; these, however, were mostly employed as house-servants, or trained to mechanical arts, and had but little employment in agriculture. The purchased convicts and negro slaves encountered the harder toil of clearing and cultivating the lands.

The domestic animals necessary for the cultivation of the earth or for conversion into food, were carried into the country by the first settlers. The colony from Barbadoes took with them to the Cape Fear, horses, cattle, hogs, and poultry. Those about Albemarle derived these animals mostly from Virginia, though some were brought from the more northern provinces and New England. A wild breed of small horses, descendants of those which escaped from the first settlers, still exists upon the banks that lie on the coast of the State. The mildness of the climate and the abundance of natural pasturage caused the cattle greatly to increase. The woods in the neighborhood of the settlements were filled with them; and the beef, particularly on Pamlico River and the region south of it, is said by Lawson to have been "extraordinary." The oxen grew to a great size, and a large amount of beef was annually salted for exportation. Heifers calved when eighteen or twenty months old, says Lawson, "which" (he adds) "makes such a wonderful increase that many of our planters, from very mean beginnings, have raised themselves, and are now masters of hundreds of fat beeves and other cattle." Butter and cheese were made, very good, and in quantities not only sufficient for home supply, but affording "a great deal," says Lawson, "among our neighbors." The greatest increase would appear to have been among the swine. The immense quantities of acorns and nuts in the woods afforded an ample supply of food, and the pork fed on these, and on peaches during their season, was better than that of Europe. Lawson thinks there was no English colony on the con-

[1] Howell's Letters, as quoted in Knight's Pictorial Hist. of England, vol. iii. p. 635.

tinent, in his day, as rich in hogs and good pork as Carolina. Sheep had been introduced and were found to thrive well, yielding good fleeces and fat mutton; while every planter had his poultry-yard well stocked with domestic fowls. Indeed, no fact is more satisfactorily proved than that the colonists, during the proprietary rule, might have had, with but little trouble, a superabundance of provisions as excellent as it was varied. They sold annually a great deal of food to Virginia. That province was devoted principally to the cultivation of its great staple, tobacco, and looked to Carolina for a large portion of its food, with perhaps the single exception of Indian corn. The custom-house records of the province show that, of edibles, it shipped to Europe and the West India islands beef, pork, wheat, Indian corn, peas, and some little rice. Lawson says, "We have plenty of beeves, rice, wheat, rye, Indian grain [corn], sundry sorts of pulse, barley, oats, buckwheat, pork, cheese, butter, &c.;" and enumerates these among various other articles, not edible, all which, he tells us, were more or less articles of exportation.

The principal articles cultivated by the planters appear to have been Indian corn and tobacco: next to these stood wheat; but the cultivation was slovenly. No doubt the truth was as Lawson has stated it: "Some of the men are very laborious and make great improvements in their way; but I dare hardly give them that character in general. The easy way of living in that plentiful country makes a great many planters very negligent, which, were they otherwise, that colony might now have been in a far better condition than it is." "I must confess" (says he), "I never saw one acre of land managed as it ought to be in Carolina, since I knew it; and were they as negligent in their husbandry in Europe as they are in Carolina, their lands would produce nothing but weeds and straw."[1] Virginia was perpetually complaining of the quality of the Carolina tobacco, which, for the most part, went to Europe from her ports. The ostensible ground of complaint was, that Carolina paid no levies or duties in Virginia, while Virginia planters did. The captains of European vessels entering the waters of Virginia, were accustomed to cross over into Carolina,

[1] Lawson's Hist. of N. C., pp. 75, 88.

and buy the tobacco from the planters there.[1] This was forbidden by the laws of Virginia, because, to some extent, it affected the value of her own sales; the Carolina tobacco was quite as good as that of her northern neighbor; and Virginia had it in her power, by enactments of her own, to compel an inspection by her own officers of all the tobacco that crossed her southern border, and to derive a revenue from it. But in truth she aimed at securing a monopoly of the tobacco trade, and cultivated little else. Lawson informs us of the manner in which a considerable portion of North Carolina products found a market. "Another great advantage" (says he) "comes from its being near Virginia, where we come often to a good market, at the return of the Guinea ships, for negroes, and the remnant of their stores, which is very commodious for the Indian trade; besides, in war-time, we lie near at hand to go under their convoy, and to sell our provisions to the tobacco fleet; for the planting of tobacco generally, in those colonies, prevents their being supplied with stores sufficient for victualling their ships."[2] The Carolina planters, it will be hence seen, sold a considerable amount of their provisions and tobacco to the Virginians, and, in Virginia, bought their negroes as they were imported in the English Guinea ships. Virginia desired to confine Carolina to the production of food only. The province had also another market in the colonies north of Virginia. "We also saw" (says Col. Byrd) "a small New England sloop riding in the Sound, a little to the south of our course. She had come in at the new inlet, as all other vessels have done, since the opening of it. This navigation is a little difficult, and fit only for vessels that draw no more than ten feet water. The trade hither is engrossed by the saints of New England, who carry off a great deal of tobacco, without troubling themselves with paying the impertinent duty of a penny a pound."[3] This statement establishes the fact of North Carolina's trade with New England, by means of the small craft of the latter; but all the contemporaneous authorities, and even the statements of Col. Byrd himself in other parts of his manuscript, conclusively show that he is in error when he represents that trade

[1] Byrd's Westover MSS., p. 25. "Importance of the Plantations," p. 72.
[2] Lawson's Hist. N. C., p. 88. [3] Westover MSS., p. 12.

as having been "engrossed" by the New England men. The larger portion of Carolina tobacco was then, as it has ever since been, shipped through the ports of Virginia. A tract printed at London in 1731, entitled, "The Importance of the British Plantations in America," and written by a merchant who had spent many years in this hemisphere, trading in various parts of it, thus speaks on this subject: "The trade of this colony [North Carolina] is very considerable, and takes off all sorts of our manufactures, though not all of them directly from Britain. The people of New England drive a great trade here, whence they carry pitch, tar, turpentine, pork, deer-skins, *some tobacco*, and sometimes Indian corn; all which enables New England to make us remittances with part, and the rest is sent to the sugar islands: the *principal part of the tobacco* produced in this province is sent to us by the Virginia ships which lie in Nansemond River."[1] An examination of the custom-house books of Port Roanoke has shown us that, exclusive of the tobacco exported by the Virginia ships, the average annual amount sent to New England, New York, South Carolina, and the West Indies, by coasters, for a period of ten years, was but between four and five thousand pounds. The province, however, made annually a great deal more than that, all of which found its way to the sea through Virginia.

But beside the tobacco and articles of food which we have enumerated, the planters of Carolina made and exported no inconsiderable quantity of naval stores and lumber. Tar, pitch, turpentine, rosin, masts, yards, planks, boards, staves, cypress shingles, pine lumber, and timber of divers sorts, are enumerated by Lawson as articles of export. Beside these, he mentions as among the products of the plantations, hemp, flax, barley, oats, buckwheat, tallow, wax, cheese, butter, and fruits. In short, the country was good and productive enough. "There cannot," says Lawson, "be a richer soil, no place abounding more in flesh and fowl, both wild and tame, beside fish, fruit, grain, cider, &c., together with several other necessaries for life and trade."[2] "Surely," says Col. Byrd, "there is no place in the world where the inhabitants live with less labor than in North Carolina. Indian corn is of so great

[1] "Importance of the Plantations," pp. 71, 72. [2] Lawson's Hist. N. C., p. 164.

increase, that a little pains will subsist a very large family with bread; and then they may have meat without any pains at all, by the help of the low grounds, and the great variety of mast that grows on the high land." And again: "The air is so mild and the soil so fruitful, that very little labor is required to fill their stomachs, especially where the woods afford such plenty of game."[1]

It may, perhaps, surprise the reader to find that even at this early period *cotton* was one of the cultivated products of North Carolina; yet both Lawson and Byrd assure us that such was the fact.[2] This plant, however, was not then the important article it is now. Its export was not the chief reliance in the payment of the foreign debt of the United States, nor did it give employment to thousands of operatives in old and New England. Another plant cultivated by our ancestors was indigo, which the writer can testify, from personal observation, will thrive well in the eastern section of the State. Its culture was discontinued there, because its fermentation proved so injurious to the health of the laborers in its preparation for market. The tar that has been spoken of was made then by the same process as it is now, from the "light-wood" of the long-leaved pine. The market for it was Norfolk or Nansemond River. Byrd informs us that from the method of manufacturing it, it was said to burn the cordage to which it was applied, and therefore to be less valuable for that purpose than the Russian or Swedish tar. For all other uses it was quite as good as that from Northern Europe.[3] Leaving now the department of agriculture proper, we proceed to speak of the industrial and mechanical arts that existed among the people; and will commence with those practised by the females on the plantations.

It is a fact creditable in the highest degree to the women of Carolina, during the proprietary times, that all the contemporaneous writers bear strong testimony to their habits of industry and virtue. In some instances they did the larger portion of the work of the household, not only within doors, but also without. When a woman was blessed with a good husband, she soon made

[1] Westover MSS., pp. 27, 87.
[2] Lawson, 164. Byrd, Westover MSS., p. 20.
[3] Westover MSS., p. 27.

all about her wear a cheerful aspect. Col. Byrd incidentally presents us with two pictures strongly contrasted, and offering to our view the two extremes of woman's condition in the province at that day. He thus describes the home of a Mr. Kinchin, at whose house he sojourned for a time when engaged in running the boundary line:

"By the benefit of a little pains and good management, this worthy magistrate lives in much affluence. Amongst other instances of his industry, he had planted a good orchard, which is not common in that indolent climate; nor is it at all strange that such improvident people, who take no thought for the morrow, should save themselves the trouble to make improvements that will not pay them for several years to come. It is an observation which rarely fails of being true, both in Virginia and Carolina, that those who take care to plant good orchards, are, in their general characters, industrious people. This held good in our landlord, who had many houses built on his plantation, and every one kept in decent repair. His wife, too, was tidy, his furniture clean, his pewter bright, and nothing seemed to be wanting to make his home comfortable."[1]

And now he lets us see a very different picture:

"The men, for their parts, just like the Indians, impose all the work upon the poor women. They make their wives rise out of their beds early in the morning, at the same time that they lie and snore till the sun has risen one third of his course, and dispersed all the unwholesome damps. Then, after stretching and yawning for half an hour, they light their pipes, and, under the protection of a cloud of smoke, venture out into the open air; though if it happen to be never so little cold, they quickly return shivering into the chimney-corner. When the weather is mild, they stand leaning with both their arms upon the cornfield fence, and gravely consider whether they had best go and take a small heat at the hoe; but generally find reasons to put it off till another time. Thus they loiter away their lives, like Solomon's sluggard, with their arms across, and, at the winding up of the year, scarcely have bread to eat."[2] The cause of this indolence our author de-

[1] Westover MSS., pp. 33, 34. [2] Ibid., pp. 27, 28.

clares to be "plenty and a warm sun. * * * Provisions here" (says he) "are extremely cheap and extremely good, so that people may live plentifully at a trifling expense."[1]

There must, however, be some allowance made for the disposition of this author to caricature every thing that was reprehensible in Carolina. With a basis of truth, his statements are not unfrequently somewhat colored by exaggeration. No doubt the men were, as to many of them, incorrigibly lazy, and no doubt the women worked hard. Whether, however, these characteristics were illustrated by precisely such details as he has given, may well be questioned. However indolent the white man may have been, it was easy for him to find a substitute for his own labor, without always imposing the burden on his wife; and indeed, as to some kinds of work, it is certain the woman could not have performed it at all. She could not clear the land. Lawson tells the story probably with more accuracy in its minute particulars, and shows a substituted and easily procurable labor, better than that of the women. "With prudent management, I can affirm, by experience, not by hearsay, that any person, with a small beginning, may live very comfortably, and not only provide for the necessaries of life, but likewise for those that are to succeed him; provisions being very plentiful, and of good variety, to accommodate genteel housekeeping. And the *neighboring Indians* are friendly, and, in many cases, serviceable to us, in making wares [weirs] to catch fish in, for a small matter, which proves of great advantage to large families, because those engines take great quantities of many sorts of fish that are good and nourishing. Some of them hunt and fowl for us, at reasonable rates,—the country being as plentifully provided with all sorts of game as any part of America. The poorer sort of planters often get them *to plant for them*, by hiring them for that season, or for so much work, which commonly comes very reasonable."[2] But there was an abundance of occupation for the women, of another kind, and far more appropriate than planting. The spinning-wheel, the loom, and the knitting-needle were all put in requisition, and actively employed. The cotton of the country was mixed with the wool from their own flocks, and, though the

[1] Westover MSS., p. 29.

[2] Lawson's Hist. of N. C., p. 86.

fabric was not of the finest, yet it served for outer garments, and whole families were thus clad. The flax-wheel also was busy; and the plant itself, as Col. Byrd states, was "as fine as any in the world."[1] "The women," says Lawson, "are the most industrious sex in that place, and, by their good housewifery, make a great deal of cloth of their own cotton, wool, and flax; some of them keeping their families (though large) very decently apparelled, both with linens and woollens, so that they have no occasion to run into the merchant's debt, or lay their money out on stores for clothing."[2]

The products of the dairy, too, were all the results of female labor. We have seen that butter and cheese were both made, and the former in sufficient quantities to afford a portion of it to the market in Virginia. There was also an occupation, not properly belonging to woman, in which our female ancestors were not unskilled. They all lived near or on the water: the necessities of their position taught them to manage boats; and, incidentally, the fact appears from some of our early materials for this history, that a woman would leap into one of the light canoes of the country with as little hesitation as a man, and propel the skiff with a vigor and skill quite equal to that of her husband. Thus we learn from the journal of George Fox, that on one occasion, when he could not bring his boat to shore, the wife of the secretary of the province, seeing his condition from the land, immediately stepped into a lighter craft and went to his rescue.[3]

Of the trades and occupations exercised by men in Carolina, during the rule of the lords proprietors, our information must necessarily be gleaned from various sources, in which an incidental remark only shows us the fact of the existence of this or that mechanical calling. No writer of that early period has taken the pains distinctly to chronicle for us the successive introduction of the various species of handicrafts, that casual observations, both in print and manuscript, bring to our notice as existing in the province. We have, consequently, to gather as best we may, from different quarters, the materials for constructing this part of our story.

[1] Westover MSS., pp. 20, 21.

[2] Lawson's History of North Carolina, p. 84.

[3] George Fox's Journal, Philadelphia edition, 1832, p. 450

Carpentering.—It is scarcely to be supposed that those who first forced their way into the wilderness of Carolina, would fail to take with them, if it were possible to procure him, an artisan so important as the carpenter. The first structures indeed which they reared were rude enough, and required but little skill beyond that possessed by every woodman to whom the axe was a familiar implement. The log-cabin of that day was very much such an edifice as the western emigrant now rears for himself on the frontiers of civilization. "Most of the houses in this part of the country" (says Col. Byrd) "are log houses, covered with pine or cypress shingles, three feet long and one broad. They are hung upon laths with pegs, and their doors too turn upon wooden hinges, and have wooden locks to secure them, so that the building is finished without nails or other iron work."[1] The fence which surrounded this humble homestead was as simple and primitive as the house, and as little indebted to iron. The native of Southeastern Virginia, and of both the Carolinas, will recognize it, at once, as a familiar acquaintance. It is our wattled "pale fence," so frequently seen, even at this day, around the yards and gardens of our humbler dwellings in the country. "They also set up their pales without any nails at all, and indeed more securely than those that are nailed. There are three rails mortised into the posts, the lowest of which serves as a sill with a groove in the middle, big enough to receive the end of the pales: the middle part of the pale rests against the inside of the next rail, and the top of it is brought forward to the outside of the uppermost. Such wreathing of the pales, in and out, makes them stand firm, and much harder to unfix than when nailed in the ordinary way."[2]

But though the carpenter aided but little in these humble constructions, yet his skill was put in requisition for the plain furniture that was necessary. He built the corner cupboard, and made the table, the bedstead, and the stools, and, most important of all, the loom with which the unaspiring edifice was garnished.

But more ambitious residences soon required his skill, and the framed houses of the better classes gradually arose as the importations of glass and hardware from England, and the more northern

[1] Westover MSS., p. 28. [2] Ibid., p. 29.

colonies, furnished the materials for their construction. Among the articles of export to the West Indies enumerated by Lawson, the reader will remember boards and plank: and these seem to imply the existence of the saw-mill in the province; for it is not probable that, if sawed by manual labor, any surplus would have been furnished for exportation. If this important invention had been thus early introduced into the province, it is worthy of notice; for it was, at that day, not only a novel but also an unpopular improvement in England. Beckmann informs us, in his history of inventions, that when attempts were made to introduce the saw-mill into the mother country, they were violently opposed, because it was feared that the hand-sawyers would thereby be deprived of their means of living. Hence, it was found necessary to abandon a saw-mill erected near London, by a Dutchman, in 1663. And even as late as 1700, the populace would not permit the erection of a saw-mill; nor did the prejudice against them entirely cease for years afterward. In 1767, a mob destroyed one at Limehouse, but it was immediately rebuilt, and was permitted to work afterward without molestation.[1] We cannot say with certainty that the American provincials were so far in advance of the English common people as to appreciate, before them, the value of this important improvement; but it seems probable, and is to be accounted for by the actual wants of their condition, as they advanced step by step in their hard task of subduing a wilderness and adding by slow degrees to their comforts.

Brick and Tile Making.—We learn from Lawson that in his day very good bricks and tiles were made. In building with brick, the lime used was obtained from burning the oyster-shells, of which large deposits were found on the coast at various places. It was known that there was limestone in the interior, but it was most convenient probably to use the shells.[2] The chimneys of the better class of houses, as well as ovens, were built of brick. Indeed, a brick chimney was a mark of gentility in its owner.

Masons.—Both stone and brick masonry were executed in the province, not very long after its settlement; and, like the carpenter, the mason was much too necessary a mechanic to be

[1] Beckmann's Hist. of Inventions, Bohn's ed., vol. i. p. 229. [2] Lawson, p. 82.

long dispensed with. On him, also, devolved the work of the plasterer.

The Smith.—We have abundant evidence of his early presence in the province, though the iron which he wrought was all, at first, brought from abroad. The division of labor which in older countries characterizes this branch of mechanical art, did not obtain in Carolina. The smith who made or repaired the implement of husbandry, was equally skilful in mending the gun-lock or making a hinge. So valuable was this artisan to the neighborhood, that we find on the records of the council, during the Indian war of 1711, representations made from a neighborhood of the indispensable need of the blacksmith in the settlement, and a consequent special order that he should be exempt from military duty, that he might not be obliged to march against the savages, and thus deprive the people of his important services. And in connection with the article of iron, so abundant in our country, we may here remark, in passing, that the legislation of the mother country on this subject furnishes but another instance of the tender care she manifested toward the colonies. Pig and bar iron were allowed to be sent from the colonies to England, by a statute passed in 1750; but the act prohibited the erection, in any of the plantations, of any "mill or other engine for slitting or rolling of iron, or any plating forge to work with a tilt-hammer, or any furnace for making steel."[1] The cause of this was the policy, systematically pursued by England, of preventing the colonies from establishing manufactures, lest they might interfere with those of the mother country.

Tanning.—The abundance of wild animals in the country suggested, from the first, the importance of making useful the skins of those killed by the early settlers. And here the English took, as in some other cases, a lesson from the Indians. They adopted the savage mode of tanning and dressing deer-skins. The chief ingredient they used was the brain of the animal itself.[2] Under the tuition of the Indians, they learned to convert the skin into the soft pliable material which fitted it to be made into garments, and it soon became a common article in the apparel of the woodman.

[1] Anderson's Hist. of Commerce, vol. iii. p. 564.

[2] Westover MSS., p. 77.

The abundance of bark made it easy, at but little expense, to establish tanneries, and we have evidence of the existence of several at an early period. The leather made from the skin of the buffalo is mentioned by Col. Byrd,[1] who, by the way, remarks that, treated by the ordinary process, it made but an indifferent sole-leather. But the hides of the common cattle were so abundant, that after supplying the tanneries, to an extent that met the wants of the country, there was a residue remaining for exportation, and, in truth, leather itself sometimes was shipped to the sister colonies. Indeed, we doubt whether any manufactory in the province was more common than that of leather. A contemporary who spoke from personal observation thus expresses himself: "A hide is made into leather in half the time in those parts that it can be done here: the bark is of no value, for any one has it for fetching, which cannot be at any great distance in any of our settlements: all the materials for a tan-yard are of an inconsiderable value to what they are here—the plank and timber being not half the price that it is here; places convenient for such business are easily obtained—you may rent one for less than half the price that such a place can be had here."[2]

The Shoemaker.—This individual was also quite an early inhabitant of the province, and sometimes blended his calling with that of the tanner. He appears to have been, too, a worker in leather in general, as he was the maker of the common harness and saddles of the country. A writer of the times informs us, that in all the continental colonies the number of shoemakers was greater than that of the smiths and weavers combined. The leather they used was all home-made. The tanners were far more numerous than the weavers.[3]

The Tailor.—We have already spoken of the domestic cloth woven by the industrious housewives of the country, which was for the most part, as we apprehend, wrought by their skill into garments. But cloths from England were also imported for the use of the more wealthy, and among these the tailor found employment; though we should suppose scarcely sufficient to afford constant occupation. The demands of fashion, we may well be-

[1] Westover MSS., p. 81.
[2] Importance of the Plantations, pp. 81–2.
[3] Ibid., pp. 80–1.

lieve, were not very exacting in the rude state of early Carolina society; and the rustic beau of that day might sport a garment of antiquated cut, without forfeiture of his position as one of the leaders of the provincial *ton*. The tailor might, without fear of contradiction, boldly affirm that his most hideous vestimental atrocities were perfectly *à la mode*. No fashionable gentleman from London or Paris was there to contradict him; and if the garment was *supposed* to be conformable to the most approved cut, for the nonce, it answered all the purposes of the most exact resemblance.

The Hatter.—Very good hats were made in North Carolina, as well as in other provinces;[1] but it was soon feared that the manufacture might affect injuriously that of England, and, of course, a royal veto was put upon their importation into the kingdom; and, finally, the manufacture itself was prohibited.

Coopering.—The exportation of naval stores very soon brought into requisition the labors of the cooper; and among the early enactments may be found a law regulating the size and quality of barrels for tar, pitch, turpentine, and rosin. Lawson lets us know that the material chiefly used for making barrels was the oak, red and white.[2] The cypress was appropriated to household vessels. In connection with the work of the cooper, we may not improperly speak of the preparation of the naval stores which called for his labor. Such preparation, if not strictly a trade, was still one of the industrial arts of the country.

As to the mode of constructing the kiln and extracting the tar, the account given by contemporaries shows it to have been that with which we are at this day all familiar; nor does any alteration seem to have been made in the manner of obtaining the turpentine, by "boxing."

Ship-building.—The construction of small boats, canoes, &c., commenced with the first settlement; and, indeed, from the abundance of streams and absence of roads, was indispensable. It had been easy for the first colonists to learn, if they were ignorant, a lesson from the Indians, in the construction of the canoe. The savage contrived, even with his imperfect tools, of which the best

[1] Importance of the Plantations, p. 80. [2] Lawson's Hist. N. C., p. 92.

was a small hatchet or tomahawk, to fell the large cypress or poplar, and by the aid of fire added to his imperfect implements, to hollow out the trunk and convert it into a rude boat sufficient for his purposes. But the colonists coming from Virginia brought with them not only the knowledge of all that had there been learned by the intercourse, for half a century, of Englishmen with the Indians, but also such tools as were requisite to execute all necessary mechanical work. The European soon made of the cypress something more than a common small canoe. Lawson thus writes: "Of these great trees, the periaugers and canoes are scooped and made; which sort of vessels are chiefly to pass over the rivers, creeks, and bays, and to transport goods and lumber from one river to another. Some are so large as to carry thirty barrels, though of one entire piece of timber. Others that are split down the bottom, and a piece added thereto, will carry eighty or an hundred. Several have gone out of our inlets, on the ocean, to Virginia, laden with pork and other produce of the country. Of these trees, curious boats for pleasure may be made, and other necessary craft. Some years ago, a foolish man in Albemarle and his son had got one of these canoes decked. She held, as I take it, sixteen barrels. He brought her to the collector's to be cleared for *Barbadoes;* but the officer took him for a man that had lost his senses, and argued the danger and impossibility of performing such a voyage in a hollow tree; but the fellow would hearken to no advice of that kind, till the gentleman told him, if he did not value his own life, he valued his reputation and honesty, and so flatly refused clearing him; upon which the canoe was sold, and I think remains in being still."[1]

But from a very early period, vessels requiring more skill in their construction than these cypress canoes were built in North Carolina. It will be remembered that on obtaining their second grant, in 1665, the lords proprietors made great efforts to procure colonists from various places. In 1666, a number of settlers came from Bermuda, and, planting themselves on Pasquotank River, employed themselves as ship-builders. To what extent they carried on their work, we cannot say with certainty, though the

[1] Lawson's Hist. N. C., pp. 96, 97.

custom-house returns of Port Roanoke, during the proprietary times, show a fair proportion of "plantation built" vessels. Some of these may, however, have been built in other American colonies than Carolina. The probabilities are, that most of them were built in Albemarle, as they are of small tonnage, and adapted to the navigation of our sounds; while in the other colonies, which constructed larger vessels, it was usual, when such craft went on voyages to the West India islands or Europe, to make the vessel a part of the adventure, and sell her as well as the cargo. Some New England sloops of light draft of water were built expressly for the Carolina trade, and were regularly seen within our limits; but with the exception of these, we are inclined to think that all other "plantation built" vessels on our custom-house books were constructed within our own borders.

The material was so abundant and good for the trade of the ship-builder, that, save for want of depth of water, we cannot but believe this branch of mechanical art would have been the most important in the colony, and no larger or better plantation ships would have been built than those of Carolina. Lawson, in speaking of our varieties of oak, informs us that the white, scaly-bark, and Spanish oaks were much used in ship-building. The best species, however, and that most sought, was what he calls the white-iron or ring oak; this was very durable, and though less so than the live-oak, was preferred, because it afforded planks of considerable length. But this latter was invaluable for knees and timbers. The pines afforded masts and spars of the best quality, while from the same source was obtained tar for the cordage. Canvas and rope were for the most part imported; and as to the iron work, which might all have been made at home, a part only was forged in Carolina, as the selfishness of the mother country prohibited the making of anchors and other heavy articles.

The reader has now before him all of moment that we have discovered touching the agriculture and mechanic arts of the country.

CHAPTER FOURTH.

NAVIGATION AND TRADE.

1663—1729.

PRELIMINARY DOCUMENT TO CHAPTER FOURTH.

SUBJECT:

NAVIGATION AND TRADE.

1769. Letter from Robert Holden, Collector, to the Commissioners of his Majesty's Customs.

Letter from Robert Holden, Collector of Carolina, to the Commissioners of Customs: dated Boston, June 15, 1679.

[*From* Chalmers' MSS. *in* Mr. Bancroft's *collection.*]

May it please your Honors:

Since my arrival at this place, in order to my passing for the county of Albemarle, in the province of Carolina, having received from your Honors commission and instructions for the collection of his majesty's customs, having received divers informations tending to my place there, and the frauds used by the traders hereabout, to be transported thence to this place and elsewhere,—it is my duty to give information of all affairs thereunto relating.

About half a dozen traders of this place, with their complices, receive the greatest part of the product of North Carolina in the county of Albemarle annually, and by a person whom, through their interest with the people, they have factiously made one Mr. Culpepper (a gentleman I know not) the collector of his majesty's customs; by which means they and he played such notorious pranks, with the specious pretences of doing justice and preserving the king's rights, that a people and customs' treasure were never more infatuated, cheated, and exhausted by the current, lately received stamp in these parts of New England Christian policy.

Robert Holden.

They send the tobacco everywhere, under the notion of its being fish.

NARRATIVE.

CHAPTER IV.

NAVIGATION AND TRADE.

If the only subject which in this chapter invites remark were the actual trade of the province, on the land and by water, it would scarce deserve distinct consideration. It is obvious enough that the amount of its direct traffic, of all kinds, must necessarily have been small. And yet, small as that traffic was, in our story it becomes important to consider it somewhat in detail, because of its intimate relation to other topics and interests which materially affected the prosperity, progress, and, indeed, existence of the province. To understand thoroughly our history, alike in causes and events, up to the period of the Revolutionary War, we must here turn for a time to the other hemisphere, and inform ourselves of the condition of European commerce, and especially that of England, at this period of our early annals. We must know something of the commercial policy of the mother country in her various navigation acts. Of these, therefore, we shall speak first, with as much brevity as is consistent with perspicuity.

All navigation acts, restricting the free interchange of the commodities of the world among its inhabitants, are in their origin obviously born of human *selfishness*. Sometimes, when retaliatory, they take, and with propriety, the milder name of *protection;* but still selfishness lies at the root, and makes them necessary. The general governing principle of all the English laws, on the subject of trade with the American plantations, was simply this: that the colonies, on the one hand, should derive all their supplies *from* a British market only; and, secondly, should export all that they might make *to* a British market only. If, in some special

particulars, English legislation, at times, slightly deviates from a rigid adherence to this rule, still, on close examination, there will be found the underlying principle, that all supplies must come from, and all produce go to, Great Britain.

The fact is, that after America was settled by Englishmen, parliament considered the colonies as mere *plantations*—portions of a foreign country employed solely for the trade and benefit of England, in her commercial and manufacturing interests, in raising certain specified commodities; the exclusive right to purchase which, England claimed for herself. The colonies were the *farms* of the mother country (so she supposed), which she had caused to be opened and cultivated for her exclusive use. And, strange to say, long after the American colonies had actually grown into a degree of commercial importance, and added thousands to the revenue of the crown, England never entirely outgrew this preposterous assumption until the war of independence. Her mistake was, in not modifying her navigation laws to keep pace with the progress of her American possessions.

But the selfish spirit which prompted these laws existed long before the English settlements in America. The first English act of parliament which develops it, dates as far back as 1381, when it was enacted that, for the purpose of increasing the English shipping, none of the king's subjects should ship goods, outward or homeward, save in ships belonging to the king's subjects, and manned, as to the greater part of the crew, by Englishmen.[1]

Again, in 1390, we have a renewed exhibition of the same spirit, in the law declaring that all English merchants should freight in English ships only.[2]

So, too, in 1485, the importation into England of wine from Bordeaux, or of woad from Toulouse, was prohibited except in English vessels; and Lord Bacon, in his life of Henry VII., says the king did this, "to make his realm potent at sea as well as by land."[3]

And thus things continued until 1558, when this law was modified, and the importation in foreign vessels permitted, on the

[1] Stat. 5 Richard II., ch. iii. English statutes at large.
[2] 15 Richard II., ch. vi. Stats. at large.
[3] 1 Hen. VII., ch. viii.

ground that foreign sovereigns (as might have been anticipated) had passed similar laws in their dominions, because they felt aggrieved by those of England. But this seeming relaxation of the gripe of selfishness was accompanied with an enactment to correct the fraud of certain of the queen's subjects who frequently entered the goods of aliens as their own, thus evading double duties thereon. The law now enacted that whoever, in time of peace, and when no restraint was put upon English vessels, either loaded or unloaded any merchandise into or out of a foreign ship, and whereof the master and majority of the crew were not English subjects, should pay the same customs as aliens did. This was virtually a re-enactment of the navigation law that seemed to be repealed.[1]

We have brought these early English laws to the notice of the reader, that he may perceive the animus that always influenced the legislation on this subject, and the persistency with which the mother country, for centuries, held to the determination not to relax her vigilant selfishness as to the commerce of the kingdom. We are not prepared, however, entirely to condemn these enactments, though in the abstract we may doubt the policy of restrictions on trade. Our English forefathers could do no otherwise than take the world as they found it, and legislate accordingly: they sought to advance the prosperity of England, even as other nations were acting for their own aggrandizement. They were not prepared to sacrifice themselves to a romantic generosity, and consequent impoverishing policy, in behalf of foreign people.

But now, the ever-varying aspects of commerce brought on the stage a class which was not composed of foreign people. The impulse given to discovery and colonization, in the reign of Elizabeth, had continued with progressive regularity, and the result now was, the settlements in America peopled by Englishmen. The mother country now had *colonies*, and the question naturally arose, What should be the laws of trade with *them?* They were not composed of aliens to their institutions and their blood; how were *they* to be treated? And curious enough is it to remark the fluctuation of opinion which seems to have attended the determination of the

[1] 1 Eliz., ch. xiii.

precise relation which the American colonies bore to the mother country. First, the land occupied was assumed to be the king's private property, not part of the realm, "as not yet annexed to the crown." Presently, parliament put in a claim to it, *for the State*, and consequently asserted a right of jurisdiction over it; but parliament was told, "that it was not fit to make laws here [in parliament] for those countries which are *not yet annexed to the crown*;"—"that this bill is not proper for this house, as it concerneth America;"—that it was doubtful "whether the house had jurisdiction to meddle with these matters."[1]

The king, in fact, considered the lands in America as *his* demesnes *in partibus exteris;* and the colonists as *his* subjects, living simply in these his foreign possessions, not as his *subjects of the State or realm.* It was on this principle that *he* made the grants and signed the charters for the colonies. And it is not difficult to perceive why this view was taken. The constitution of England at that day, founded on the feudal system as it was, of course extended not beyond the bounds of the realm. There was nothing in its nature that provided for such things as colonies, for they were no part of the feudal system. Before lands out of England could be made part of the realm, and of *its* property, they must be formally united to the realm. Until, however, this was done, the lands must belong to somebody, and so the king claimed to be proprietor.

As such proprietor he made grants, of Carolina for instance, and made the country like the palatinate of Durham; this was the second step in progress. He had here done two things: first, he had parted with the ownership he claimed, and the lands now *belonged* not to him, but to other proprietors; secondly, as to their occupants, he relinquished every right he had over them save that of allegiance to his person, and invested them with such rights (whatever they were) as belonged to the inhabitants of the palatinate of Durham. And this created new complications and led to fresh fluctuations of opinion; for it was soon discovered that the king had given away by far too much, and that as the colonies grew into power and importance, their conceded rights would

[1] Journals of House of Commons, April 24 and 29, 1621.

establish a rivalry between them and the realm; and in this period of transition, the disputes began as to the exact extent of regal and colonial rights under the charters. Hence came the third movement in colonial affairs, in which (as a remedy for previous blunders) the crown sought to *retrace its steps*, and now make the colonies, not *its* property again, nor any longer that of the proprietors to whom it had given them, but *part of the realm.* This was a period which made the colonies very familiar with the writ of *quo warranto.* Presently began the times of the commonwealth, and then (no king was in the way) parliament, less scrupulous about forms, unceremoniously cut the tangled knot, and in its omnipotence decreed that the colonies should obey the authority of England's legislative iron will, just as fully as England herself should. With one dash of the pen the colonies were in effect made part of the realm, and that most sagacious ruler, Cromwell, with the foresight of a far-reaching vision, saw the future of the colonies in the matter of trade; threw off the trammels of previous technicalities, and, in the *sic volo, sic jubeo* spirit of indomitable purpose and adequate power, just settled the matter of colonial trade by a navigation act which laid the foundation of England's present power and great commercial prosperity.

As to Cromwell, this is not the place in which to discuss his character; suffice it to say, that the panegyrics of friends and the revilings of foes have been alike extravagant. Whatever may have been the defects of his moral nature, nothing short of a prejudice too blind to perceive or too unjust to appreciate, can deny that, in the endowments of his intellect, he rose far, very far above the usual standard of ordinary manhood, as well as of legitimate royalty. He had mind enough to fit him for the fearful responsibilities of a king; and if he usurped a throne, it must be confessed that he swayed the sceptre well and wisely, and shaped the destinies of his country to magnificent results, that have not yet reached their final development. The sea has been the scene of England's greatest *glory*, and commerce is the source of her *wealth.* The glory, Cromwell upheld with the spirit of an Englishman; and of the wealth, he laid the foundations in the act of navigation.

In 1646, after the rupture between the king and parliament, when the Lords and Commons made "ordinances" without refer-

ence to the king as a co-ordinate branch of the legislative power, we find an ordinance declaring that the American plantations had been beneficial to the kingdom by the increase of navigation, and payment of customs on the importation of American products; they therefore enact that, for three years, the colonies shall pay no duty on British goods or merchandise exported to them from England for their support and use, provided that none but English vessels should, at any port in the colonies, receive a cargo of American products for any foreign port.

In 1651, what is usually called *the act of navigation* was passed, by what is known as the "Rump Parliament." So far as regards the American plantations, its provisions were as follows: That no American merchandise should be imported into England in any but English-built ships; that such ships must belong either to English or English plantation subjects; and that they must be navigated by an English commander, and of the sailors, three fourths were required to be Englishmen. This law was complained of by the English traders, on the ground that, as England had not shipping enough of her own to import, from all parts, what she wanted, it was unwise to debar the introduction of merchandise by foreign vessels, in which it had been hitherto brought. The government, however, paid no heed to these complaints, as it foresaw that the law would tend to preserve the plantation trade to England, would increase the number of ships and seamen of the kingdom, and would give to Englishmen all the freights.[1]

At length, in 1660, came from parliament what may be considered as really the FIRST NAVIGATION ACT, the foundation of all since made, and the origin of England's unrivalled commercial prosperity and opulence. Its principal provisions, so far as we are concerned, were these:

I. No goods or commodities whatever could be imported to or exported from America, in any other than an English, Irish, or plantation built ship, of which the master and at least three fourths of the mariners were required to be Englishmen. The penalty for violation of this was forfeiture of ship and cargo.

II. No one but a natural-born subject, or naturalized, could be

[1] 2 Anderson's Hist. of Commerce, p. 552.

a merchant or factor, settled and doing mercantile business in America. The penalty was forfeiture of goods and chattels. This was a blow intended to banish from the colonies Dutch factors, who before had been quite common in the plantations.

III. The first clause above had required that the ships should be English, Irish, or plantation *built*, and navigated by Englishmen. This enacted that the real *ownership* of the vessels should be by "English people," living either in England or in the colonies.

IV. No tobacco or cotton could be shipped from the American colonies to any place but England, Ireland, or some of his majesty's plantations, *there to be landed*. A penal bond to enforce compliance with this was required of the ship before sailing.

Tobacco and cotton were among what was called "enumerated articles;" there were many others which we have not named, because they were not among the products of our country. Subsequently there was a prohibition of carrying the enumerated articles to *Ireland* even, until they had first been landed in England. By degrees, too, the list of enumerated articles was increased during the period of which we write. Thus, in 1706, rice and molasses were added,—but afterward rice was taken from the list; beaver-skins and peltry were enumerated in 1710; in 1721, copper ore was added; and in 1728, pitch, tar, turpentine, masts, yards, and bowsprits were all made enumerated articles, by which was meant that, if exported, they must first be landed in England, before they could be carried to any foreign port.

The effects of this law were soon visible in the advance of the commercial prosperity of the mother country. Ship-building was greatly increased, and the number and wages of seamen were much enlarged. In 1668, the amount of English shipping was double what it was when the act passed, eight years before. The same ratio marked the increase of seamen, so that the English supplanted the Dutch, and became possessed of the carrying trade of Europe, especially to and from the Mediterranean ports. All direct trade of foreign ships with the plantations in America was brought to an end. Before this law was passed, forty Dutch ships might have been seen in the ports of the American colonies for one English. They came freely, both to bring and take away cargoes; and in every important port there were to be found nu-

merous Dutch merchants and factors. This, said an English commercial writer of high reputation, "utterly frustrated the original intent of our planting those colonies, viz., *to be a benefit to their mother country.*" And save as they might thus be made a benefit, England, it must be confessed, gave herself but little concern about them.

In 1663, the laws were made more stringent still: no merchandise, the growth, product, or manufacture of *any part of Europe*, could be imported into the American colonies except in ships and by mariners such as are named above; which ships were required to be *laden in England*, and nowhere else: the cargoes, too, were to be carried to the colonies direct, and could be landed in no other place under penalty of forfeiture of ship and cargo. *Every* thing, therefore, was obliged to come from England, and no enumerated article could be carried anywhere else. The list of these last, too, seems to have been framed so as to include every thing the colonies, both continental and insular, could possibly produce. No wonder that, at the treaty of Breda, the Dutch complained that the navigation laws of England had utterly prostrated their commerce, and sought hard to insert a clause binding England to repeal them. They might as well have asked the English to insert a clause for overturning the throne. They had discovered the immense profits they were deriving from their legislation, and, of course, they would not surrender them.

One would have thought that the restrictions already imposed on American commerce, for the exclusive benefit of England, were already onerous enough; but, in 1672, additional weight was laid on the colonies in the shape of discriminating duties. New England men were engaged in the whale-fishery: if they carried their oil and whalebone to the mother country in their own shipping, they paid double the import duty imposed on English ships carrying the same articles.

The vast increase of prosperity and wealth derived by England from these laws, is almost incredible. In twenty-seven years, from 1661 to 1688, as we learn from the statement of the inspector-general of the customs, D'Avenant, in his Discourses on the Revenue and Trade, the customs yielded net to the crown £9,447,799, an average of £555,752 per annum: the general rental of Eng-

land was doubled, and her landed interest was augmented from some seventy-five or eighty millions to *two hundred and fifty-two!*

Meantime, with all the restrictions on their trade, the American colonies built up a commerce for themselves, and prospered, too, but it was by successive ingenious evasions or open violations of the law. Hence proclamation on proclamation was issued from the throne, enjoining the enforcement of the navigation acts in the American plantations. The instructions to the several governors, of which those to Hyde, Eden, and Burrington (preserved in our State office) now lie before us, occupy pages with the most minute directions and absolute commands to enforce the English laws of trade; and, as the importance of the colonies began now to be perceived at home, it was enacted that no one could be appointed governor by the proprietors but one who was approved by the crown.

This is but an imperfect outline of the policy pursued by the mother country in the severe restrictions she imposed on the colony trade, and puts the reader in possession of the condition of affairs during the period under review. But by successive enactments, further impositions were laid, up to the very time of the war of independence; so that, among the grievances that induced our fathers finally to throw off the yoke, it was not among the least that, from the very beginning of our existence in America, England had gone on, *systematically*, in forging chains wherewith to fetter the limbs of young and healthful industry; and if occasionally there seemed to be some relentings of humanity which, for the moment, relaxed the rigor of the chains, we have but to look beyond the surface to find the seeming humanity resolve itself into selfishness. Thus, tobacco was the chief staple of Virginia, and was also made in Carolina. Before, however, it came to be regularly shipped from the colonies to England, the only supply of the mother country was from the Spanish West Indies. King James, of "counterblast" notoriety, fulminated against its introduction (and, we may add, by his *sole* authority, in violation of the English law) his *commissio pro tobacco*, as he entitled it. In this, after falsely representing that a "great part of the treasure of the land" was expended in its purchase, he imposes a duty of

six shillings and eight pence sterling on every pound imported. This was in 1604, and the tobacco was then Spanish.

Presently, tobacco began to come from Virginia; and what did his majesty? He took to himself, by his own authority, a right to the pre-emption of all the tobacco imported into the kingdom, which he sold out, afterward, *at his own price*. But he did not forget to fix also the price which he would pay the producer. It is amusing to read the proclamation which he issued in 1620 on this subject. "Whereas" (says he) "we out of the dislike we had of the use of tobacco, tending to a general and new corruption both of men's bodies and manners; and yet, nevertheless, holding it, of the two, more tolerable that the same should be imported, amongst many other vanities and superfluities which come from beyond seas, than to be permitted to be planted here within this realm, thereby to abuse and misemploy the soil of this fruitful kingdom," &c., "we therefore strictly charge and command that our proclamation of December last, restraining the planting of tobacco, be observed." By that proclamation he had declared "that the people of Virginia, growing numerous, they made so much tobacco as *overstocked the market*," of which, be it remembered, he had the monopoly; wherefore the king, "*out of pity to the country*," ordered that not more than one hundred pounds per man should be made in Virginia; "for," he added, "the market was so low that he could not afford to give them above three shillings the pound for it."

He found the tobacco trade profitable, but perceived how it might be made more so. Accordingly, in 1624, he favored his subjects with another proclamation, in which he informed them, that "because we have been often and earnestly importuned by many of our loving subjects, planters and adventurers in Virginia and the Somer Isles, that, as those colonies are yet but in their infancy, and cannot be brought to maturity, unless we will be pleased for a time to tolerate unto them the planting and vending the tobacco of their own growth, we have condescended to their desire; and do therefore hereby *strictly prohibit the importation of any tobacco* from beyond sea, or from Scotland, into England or Ireland, other than *from our colonies before named:* moreover, we strictly prohibit the *planting of any tobacco*, either in England

or Ireland." This gave him a complete monopoly in the purchase and sale of all the tobacco which could possibly come upon the English market.

When, in 1625, Charles came to the throne, one of his first acts was to secure to "the house," the mercantile advantages of the royal old tobacconist, his shop-keeping father. Accordingly he proclaimed, that "whereas the tobacco of those plantations (the only present means of their subsisting) cannot be managed for the plantations, unless it be brought into one hand, whereby the foreign tobacco may be carefully kept out, and the tobacco of those plantations may yield a certain and ready price to the owners thereof: to avoid all differences between the planters and adventurers themselves, we resolve *to take the same into our own hands*, and to give such prices for the same as may give reasonable satisfaction; whereof we will determine at better leisure."

That is to say, in effect: The king commands you, the inhabitants of Virginia, on your allegiance, to make tobacco for him, and when made, you shall send it to his majesty in English ships, manned by English sailors, owned by English men, to whom alone you shall pay freight for bringing it; and when it arrives, his majesty will condescend to pay you just such a price as he pleases for it; and will then sell it to his home subjects, for just such profit as he chooses to put on it. And you have nothing further to do but make more tobacco, and thank God you live under such a benignant sovereign, who will not allow any tobacco to be made in England; not, however, because of its effect on his income—by no means; but simply, lest it should *impair the value of your production.*

Again, in 1627, this infatuated king of a doomed dynasty goes a step further, and orders that all the tobacco of the colonies shall be brought to *London* only (the chief trade of Virginia was with Bristol), in casks or packages to be stamped with three seals; and again prohibits all cultivation of tobacco in England.

The business must have been found to be vastly profitable, if we may judge from the extraordinary pains taken to monopolize it; for in this same year another proclamation is sent forth which enjoins:

1. The plucking up of all the tobacco then growing in England or Ireland, and forbids the planting of any more.

2. No Spanish or foreign tobacco to be imported without the king's special commission licensing it.

3. No tobacco, even from the colonies, to be introduced without the special permission of his majesty; and when thus imported, says the royal mandate, to "be delivered to *our use*, upon such reasonable price as shall be agreed on."

4. No person in England shall buy any tobacco but from the king's commissioners.

These, however, will serve as specimens of royal kindness toward the plantations. It is sufficient to say, that proclamations continued from time to time to be issued on the subject of tobacco, in which it is but too obvious that, under the pretence of a benevolent desire to shield the colonies from a ruinous competition in the sale of their staple in the English market, there lurked the selfish purpose of creating and perpetuating a royal monopoly. So, too, at a later day, as to naval stores: England granted a bounty on their importation from the colonies, in such vessels as we have described; but why? Because she was on the eve of a war with France, and Sweden refused to supply her except on her own terms, one of which was transportation in Swedish ships only. But when carried from the colonies, it was not to a market overt: the crown reserved the right of pre-emption.

Directly, these restrictions probably affected North Carolina but little, for her commerce was small, and most of her trade was with her sister colonies; but indirectly they had an important influence on her destinies. It is but necessary to glance for a moment at the circle of trade from Massachusetts and New York, for instance, to see this. The colonies needed a large amount of British manufactures; they were prohibited from getting any other. For these they could not pay in money, and hence remittances of another kind were indispensable; but the country did not yield enough of such products as were wanted in England, in which to make them. The colonies, therefore, were obliged to seek a market where their commodities were vendible, and get in return for them articles which were marketable in the mother country. They turned to the West India Islands, as well English as foreign. They bartered there the produce of their country, chiefly lumber and provisions, for sugar, rum, molasses, cotton, and indigo. The

sugar, cotton, and indigo were all good remittances to England; the rum and molasses were again exchanged at home for fish, which New England could supply, and rice, which Carolina yielded; and fish and rice (non-enumerated articles, which could be carried to Europe, south of Cape Finisterre) were also, at times, good remittances to England. Again, they looked to the sister colonies where tobacco was cultivated; for this also, under the restrictions we have named, might be sent to England in lieu of money. For this tobacco they paid in West India products—sugar, rum, and molasses—which the Carolinas especially needed, not only for their own consumption, but also in their Indian treaties and trade. They carried and sold their fish and rice in Spain, Portugal, and Italy, where they got money or bills on England in return. They also obtained some money and bills from the West Indies, by carrying gold-dust, ivory, and slaves from Africa; and for these last they paid the savages with British manufactures: so, also, with the same manufactures they obtained from the Indians at home skins and peltries, which they could make available in England, as a remittance. It will hence be seen that sugar, rum, molasses, cotton, and indigo, from the West Indies, were their return cargoes; and from these, by the circuitous trade we have described, together with fish, rice, tobacco, and furs, they were enabled to maintain their credit in England. Who wonders that, while, on the one hand, the crown was ever vigilant to prevent the slightest infraction of the navigation acts, the commercial colonies, particularly of Massachusetts and New York, were equally watchful, on the other hand, to lose no opportunity of evading them. There were times, especially in the New England colonies, when they were openly disregarded.

As we have already stated, the northern colonies, and Massachusetts particularly, soon established a trade with the Albemarle district of Carolina. The small craft of that region came down, bringing northern products—apples, potatoes, onions, &c., and all which a Yankee skipper of this day would include under the general name of "notions." These he would exchange for the lumber and provisions which he would sell in the West Indies, and the tobacco which he would ship to Europe. On his return from the islands, he would supply the colonists with the sugar, rum, and

molasses which they needed; and thus was a perpetual trade kept up between Carolina and New England. Another circumstance sometimes brought larger craft from the eastward, on the Carolina coast, and necessitated communication with the southern settlements. The fishermen of the continent were the hardy New England men, who followed the whale wherever it could be found on the Atlantic; and there is evidence that at that day the animal was taken off the coasts of Virginia and North Carolina. It is even now sometimes, though rarely, seen off the coast, or stranded on its shores. The governors, both of Virginia and Carolina, were accustomed, in these early times, to grant licenses to carry on this fishery on their respective coasts.[1]

It must not, however, hence be understood that *all* the trade of Albemarle was carried on by means of the eastern craft. As we shall see hereafter, she built and navigated vessels of her own, and made her voyages to New England, New York, and the West Indies.

In exercising a supervision over the limited trade of the colony, the governor, with a "naval officer," as he was termed, seems to have been charged with the collection of the revenue. The increasing trade of the colonies, however, presently convinced the home government that it was necessary, for the security of English interests, to appoint English revenue officers in the plantations. The distasteful measure was reluctantly submitted to, because it was unavoidable; while all that ingenuity, backed by boldness, could devise to defeat its consequences, was perseveringly put in practice by the not always scrupulous colonists. The sympathies of the people generally were not at all with the revenue officers; and we have been struck with the fact, already mentioned, that in every Carolina record we have seen of an appeal to the courts to punish violations of the revenue law, the crown uniformly failed. Indeed, it may well be doubted whether the very officers of the crown themselves did not secretly share in the feelings of the people.

[1] The extent of the whale-fishery on our Atlantic coast was very considerable in the beginning of the eighteenth century. A contemporary states that it yielded annually from eleven to thirteen hundred tons of oil, and says that he has seen, at one time, three New England whalers at Cape Fear.—*Importance of the American Plantations*, pp. 103–4.

The first collector of the parliamentary duties in Carolina was appointed in 1676, and, as we shall see hereafter, his presence was the signal for disturbance. The New England men who were then down in the colony, trading, with a quick eye to their interests, stimulated the factious spirit of opposition among the people, lent their personal aid to an open revolt, assisted to turn out those in authority, and encouraged the usurpation of the government by the disaffected. The proprietary authority was overturned; for two years rebellion triumphed, and Carolina was revolutionized. New England men had as large a share in this rebellion as the inhabitants of the province, and the "navigation acts" of the mother country were the real cause of the movement. The Yankees were not disposed to be dispossessed of their monopoly of the Albemarle trade, without at least a struggle for its preservation.

It was the more easy for the colonies to evade the navigation laws—first, because for some time no collectors were appointed in England for the colonies; and, secondly, because, in the mother country, though it was made the special business of some to overlook the affairs of the plantations, yet the duty was never performed. It is true that as far back as 1636, King Charles I. established a "committee on the plantations," but it seems never to have attended to them. In 1643 it was dissolved; and the two houses of parliament, having assumed the sovereign executive powers of government, passed an ordinance, without the intervention of the king, by which a committee was raised for "regulating the plantations," and the Earl of Warwick was made lord high admiral of the American plantations.[1] This committee, however, like the former, seems to have neglected its duties, and, to such a degree, as to provoke the ridicule of England's commercial rival, the Dutch. In a letter from the Hague, we read: "A committee for trade was some time since erected in England, which we then feared would have proved very prejudicial to our State; but we are glad to see that it was only nominal: so that we hope, in time, those of London will forget that ever they were merchants."[2] In 1650, the commission of 1643 was revoked, and the powers it possessed were lodged in the "council of state."

[1] Scobell's Acts of H. of Commons, Nov. 2, 1643. [2] 1 Thurloe's State Papers, 498.

Cromwell, however, was not likely to overlook the commercial interests of England, or to forget where lay the true avenue to her glory and wealth, even if the merchants did. Accordingly, in 1655, he appointed his son Richard, with several lords of the council, some of the judges and gentlemen, and about twenty merchants of London, Yarmouth, Dover, &c., "to meet and consider by what means the traffic and navigation of the republic might be best promoted and regulated," &c.[1]

The restoration of the Stuart dynasty took place in 1661, and immediately the business of the plantations fell into its old track: it went before the privy council and was referred to committees. But the interests involved were too important to escape the notice of English statesmen. In 1668, Lord Ashley, then chancellor of the exchequer, persuaded the king to forget his profligacy long enough to establish a "council of commerce," with a president, vice-president, and nine counsellors, to all of whom were allotted liberal salaries. These were to take the place of the ever-fluctuating and inattentive committees of the privy council, to which commercial matters were referred, and to apply themselves diligently to the advancement of the commerce, manufactures, shipping, and colonies of the kingdom. But Charles II. had learned nothing by the misfortunes of himself or his race. He never could persevere long in any measure that was wise and good; so, in a few years, he virtually dissolved this council, or allowed it to fall into desuetude, that he might apply the salaries of its members to the gratification of his vile passions; and so he, once more, sent plantation affairs on the old road, to unpaid and occasional committees of the privy council.

At length, in 1672, influenced possibly by Shaftesbury, then lord chancellor, he was induced to issue a new commission to the council of trade, naming his lordship as the head of the commission. The preamble to this instrument contained "an army of good words," setting forth the growth and prosperity of the American colonies, the value of their trade to England, his hearty desire to do every thing that was kind and just toward them, and his consequent establishment of "a select council, to take care of the

[1] 4 Thurloe's State Papers, 177.

welfare of our said colonies and plantations," and to regulate their trade and commerce, &c. All these gracious words ended in nothing, for they came from one who probably did not either examine or care for their import, when he affixed his royal signature. This council *never sat*, we believe. The business of the colonies, as before, went into the hands of the privy council.

At length, the last king of this wretched dynasty ran away, and it thus pleased Heaven to lift from England the incubus of the Stuarts, which had so long oppressed it. The nation sang *Te Deum*, and a man utterly unlike the Stuarts in every thing was at the helm of state. In 1696, William of Orange established permanently the board of "The Lords Commissioners of Trade and Plantations," and among its first members, we may mention, was the celebrated John Locke. This is the body which, for the sake of brevity, subsequent writers have sometimes designated as "the board of trade."

It was made to consist of a first lord commissioner, who has usually been a peer of the realm, and seven other commissioners, each with a salary of £1000: beside these, certain members of the ministry belonged to it, who, however, attended on extraordinary occasions only. To this body was confided all that related to the improvement and encouragement of commerce, navigation, the plantations, manufactures, fisheries, &c. They received evidence and heard counsel on questions touching grievances and burdens on trade: they gave instructions to British consuls abroad, who were obliged to correspond with them constantly. The governors of all the American colonies were also required regularly to communicate with them on matters touching the improvement of their respective governments: they were bound also to transmit copies of the journals of their councils and assemblies, and the accounts of the provincial collectors and naval officers, and, in short, all that affected the revenue. The colonial authorities were also required to suggest to this board plans by which the mother country might be best supplied with naval stores from the colonies. Appeals on a certain class of questions, arising on the *lex mercatoria*, in the colonies, were also made to this board. The commissioners, on these and many other kindred subjects that came regularly before them, made reports and gave their opinions to

the king and privy council, by whom questions of trade, &c., were frequently referred to them. In fact, they constituted, as it were, a special standing committee on all matters relating to the interests of commerce and the affairs of the colonies; and their opinions often directed the decisions and action of the king and privy council. It was a very necessary and important institution.

The reader, however, will readily perceive that until it was established, the loose and careless manner in which colonial affairs were previously managed, afforded facilities for evasion of the revenue laws in America; these the shrewd colonists diligently sought for, and promptly improved.

The usual mode in which the traffic of Carolina was transacted in furnishing vessels with cargoes, was necessarily adapted to the geographical aspects of the country. At the time of which we write, Edenton and Bath were the nearest approximation to commercial depots; and these fell far short of accumulating the products of the plantations to such an extent as would afford cargoes even to the few and small vessels that sought them. A glance at the map between Albemarle Sound and the southern boundary of Virginia will show a number of short streams, with their tributary creeks, emptying themselves into the Sound. We have already explained the fact, that all the early clearings and plantations were made upon the water-courses, because these alone furnished means of transportation. This was a circumstance which, both in Virginia and Carolina, offered a serious obstacle to the building of towns: the inhabitants, almost exclusively agricultural, were scattered on the streams; and, as a consequence, the middle and inland regions between the rivers emerged but slowly from the uncultivated wildness of their primitive state. It was, therefore, not uncommon for the small vessel seeking a cargo to pass up the various streams to the plantations on their borders, and there purchase and ship what the proprietor might have to dispose of. And these vessels often carried the commodities with which they made these their purchases, and in the absence of competition, extorted such prices as they pleased from the planters. To remedy this evil, we find among the manuscript laws, one which provided for the establishment of certain trading points in the districts of Bath county; where alone sale could be made "of foreign goods and commodi-

ties;" and no person, not an inhabitant of the country, could sell elsewhere. It may gratify the curiosity of those who at this day inhabit that part of the State, to know which were the places of trade used by their forefathers, and we therefore subjoin them in a note.[1]

Corn, tobacco, pork, pitch, and turpentine were the chief articles which they obtained from the planters: beside these, however, though in but limited quantities, they might procure wheat, tallow, skins, whale-oil, hemp, beef and rice; for all these, as we learn from the laws, were articles of traffic, known as "rated commodities," to which a specific money value was affixed by law. Much of the trading (for money was scarce) was effected by the process which is expressed in the inelegant but still legitimate old English word, *swop;* though sometimes, when the desired article was particularly choice or rare, it is not improbable that resort was reluctantly had to the little and carefully hoarded stock of English or foreign silver coin.

The first ingress from the ocean to the settlements on Albemarle was made, as we believe, through Roanoke Inlet; no large vessels, however, we think, could enter there, or navigate to any extent the too shallow waters of the Sound, even if they succeeded in crossing the bar. An inspection of the custom-house records of Port Roanoke (Edenton) does not show us, through a period of twenty years, the entry or clearance of a vessel exceeding eighty tons. But it was during the proprietary government that Ocracoke Inlet was also brought into use; and we have seen, in our chapter on the Law, the efforts made to render both it and Roanoke available, by establishing a pilotage for each. It was used (as we learn from the preamble to one of the manuscript laws) by vessels going to Albemarle, as well as such as were destined to Pamlico and Neuse rivers. We cannot say positively when Roanoke Inlet ceased to be of much value, even to the small craft that had been accustomed to use it; but we conjecture that it was

[1] "Bath town; the plantation of Mr. Churchill Readings on the south side of Pamlico River; a place called Southwell's town, at Bear River, in Beaufort precinct; at the plantation of Emanuel Cleaves, late deceased, in Hyde precinct; at New Berne town; at the plantation of Jacob Sheets, at Beard's Creek, on the north side of Neuse River; at Smith's Creek, on the south side of Neuse River; at Jones' plantation on Adams' Creek, on the south side of Neuse River, in Craven precinct; and at Beaufort town, in Carteret."

probably in the autumn of 1693, because the record has come down to us of a storm at that time which desolated the south-eastern part of Virginia and the northern coast of Carolina. Such was its violence, that, it is said, "it seemed to reverse the order of nature." Rivers, before navigable, were stopped up; and in others, channels were opened that were never before navigable.[1]

Nor was that day, any more than later times, free from the depredations of piracy. Indeed, the state of affairs in the early history of the colonies seems rather to have favored the operations of the sea-robber. The sparse population of the country afforded but few, and often no spectators of the secluded coves and hiding-places in the West Indies, and on the extended coast of the continent; while the laxity of supervision and indifference of the mother country in the protection of the colonies, left the freebooters all the opportunity they could desire for successfully pursuing their lawless calling. We read of pirates in the early history alike of New York, Pennsylvania, Delaware, Virginia, Carolina, and the West Indies.[2]

This nefarious business appears to have commenced early on the Atlantic coast of America. A privateer, or rather pirate, called the Royal Jamaica, manned by forty seamen, arrived off the coast of South Carolina some time in the year 1691–2. This vessel had been engaged in robbery with great success, and brought into the country a large amount of Spanish gold and silver. By their money and freedom of intercourse with the inhabitants, the freebooters made themselves popular; and though the proprietors directed Ludwell, their governor, rigidly to enforce the English laws against piracy, yet such was the feeling of the people that a trial even was difficult, and a conviction almost impossible. Most of the pirates escaped punishment, purchased lands from the colonists, and became permanent inhabitants of the country.[3]

Such a paradise for villains was sure to invite them. In 1699, a motley gang of English, French, Portuguese, and Indians, to the number of forty-five, manned a ship at Havana, and commenced

[1] 1 Martin, p. 195.

[2] Proceedings against Kid, 1701. Penn. Hist. Soc. Memoirs, vol. iv. pt. 2. 1 Martin, p. 286. Rivers' South Carolina, pp. 188, 189.

[3] 1 Hewit, p. 115, &c.

their piratical career. They came upon the coast of South Carolina and began their murders and robberies. It so chanced that at that time the southern colony was exporting large quantities of rice, and several vessels from Charleston were seized by these thieves, and retained as prizes, after sending their crews on shore. However agreeable it might have been, at an earlier day, to countenance these villains when they stole from others and shared the plunder with the inhabitants of South Carolina, these latter took a very different view of piracy when they were made its victims. Accordingly, when, on a quarrel among the freebooters, the English were turned adrift in a boat, and landing on the coast, travelled over land to Charleston, they were recognized by three shipmasters out of that port who had been robbed by them, and on their testimony seven out of nine were hanged.

During the administration of Gov. Craven in South Carolina, which commenced in 1710, the trade of that colony had very much increased, and was carried on chiefly in British ships. The lords proprietors had leased their property in the Bahama Islands to a company of merchants who found it unprofitable, and consequently gave it but little attention. This combination of circumstances was too favorable to be overlooked by the pirates. European wars prevented the English government from suppressing piracy on our coast; the lords proprietors were unwilling or unable to encounter the expense; the colonists could but partially put down the evil; the island of Providence in the Bahamas was looked after by neither owners nor lessees, and formed a most convenient place for head-quarters. These circumstances were too propitious to be left unimproved. Making the Bahamas their chief rendezvous, a body of desperate villains were accustomed to push out on the ocean, or cruise in the Gulf of Mexico, and commit their depredations on commerce. For five years they held their robber reign, and plundered and took the vessels of every nation without distinction, *hostes humani generis*. They had their hiding-places all along the coast of both Carolinas. On our coast, they took their prizes into the mouth of Cape Fear River, which was a rendezvous second only in importance to Providence, and sometimes into Ocracoke and our harbor of Beaufort.[1] Their suc-

[1] 1 Hewit, pp. 207, 208.

cess naturally allured companions, and they became an organized body of buccaneers, too strong to be handled by any inconsiderable power.[1] They were ultimately dislodged from Providence by Capt. Woods Rogers, commanding a squadron of the British navy.

But after the suppression of those on the island of Providence, the pirates of Carolina still remained. The king, on the application of the merchants and ship-masters, had issued a proclamation offering pardon to all who, within twelve months, would surrender themselves. When Rogers appeared at Providence with a force for their suppression, all the pirates, with the exception of some ninety, headed by one Vane, took advantage of the proclamation. Of these, thirty made the Cape Fear their head-quarters (the plantations in that region, made by Yeaman's colony long before, having been for some years abandoned), and committed large depredations, especially on the commerce of Charleston. There was a pirate sloop of ten guns, commanded by Steed Bonnet, and another of six, commanded by Richard Worley. The colonists despairing of, or at least not receiving any aid to put them down, resolved to take the matter into their own hands. Accordingly, Governor Robert Johnson of South Carolina fitted out two sloops, and gave the command of them to Col. William Rhett, with orders to cruise off the coast for the protection of trade. Rhett had scarcely crossed the bar, when he spied Bonnet's vessel, which he chased into the mouth of the Cape Fear and captured, and returned to Charleston with his prize, bringing as prisoners the commander and about thirty of his crew. Soon after, the governor himself embarked in pursuit of Worley, and, after a desperate engagement off the bar of Charleston, in which all the pirates were killed, except Worley and one of his crew (who would not surrender until they were dangerously wounded), came into the harbor with his prize, and these two desperadoes as prisoners. For fear they might die before they could be hanged, they were instantly tried and executed. Bonnet and his crew were also tried, and, with the exception of one man, paid the penalty of their crimes on the gallows.[2]

But piracy was not yet completely suppressed. The most dar-

[1] 1 Hewit, 236. 1 Martin, 281. Rivers' S. Carolina, 285. [2] 1 Martin, p. 281.

ing and unscrupulous of the leaders of these thieves was yet alive. This was Edward Teach, or as it is written in the early records of the province, *Thache*, better known by his sobriquet of *Black Beard*. His flag was hoisted on board of a ship of *forty* guns, a vessel which, with her armament and stores, he could carry into no harbor on our coast but that of Beaufort, and he had a crew of one hundred men. His squadron consisted of six vessels, and Vane, Bonnet, and Worley were his chief captains. In the month of May, 1718, Teach, cruising off the bar of Charleston, captured a ship having on board as a passenger, Samuel Wragg, one of the council of South Carolina. He robbed this gentleman of $6000 in specie, and then impudently sent four of his men into Charleston with a message to Governor Johnson, demanding a chest of medicine, and accompanied with the assurance that, should it not be sent, he would behead Mr. Wragg and all the other passengers. To save their lives, the chest was sent.

After amassing a large amount of plunder, he returned to North Carolina, determined to disperse his followers and live on the fruits of his villainy. His first step was to go to the house of Governor Eden, with twenty of his men, and take advantage of the king's proclamation of pardon. This he did, and obtained the governor's certificate. A court of admiralty soon after sat at Bath, when Teach, who never held a commission nor took a lawful prize, with consummate impudence procured the condemnation of a sloop which he, or some of his followers, had piratically taken at sea and sent in. He now sat down on the land to riot in his ill-gotten wealth, and for the *thirteenth* time married a wife,—a young woman who probably was not very inquisitive as to how many of her predecessors were living. Restless and roving in disposition, however, he could not long remain on shore, and when tired of dissipation on land, he resolved to diversify his pleasures by a little more robbery and murder at sea. He accordingly went on a cruise, and soon returned with his plunder in the shape of a French ship, loaded with a valuable cargo of sugar and cocoa. The lie which he told, and to which four of his men swore, was so gross, that it seems scarcely credible it could have been listened to for a moment. He stated that he had found the vessel at sea, abandoned by the crew, though, when brought in, she bore no

marks of injury from tempests, or otherwise, necessitating such abandonment. He libelled her, however, in the court of admiralty, which, on the oath of the four men alluded to, adjudged her to be a lawful prize to the captors. It is unpleasant to believe that those in authority were in league with this villain; yet the enemies of the governor, and of Tobias Knight, the judge who made the decree, said that they had both received a part of the cargo as a reward for their share in its condemnation. The ship (on the ground that she was unseaworthy) was burned.[1] Certain it is, that such were the unpleasant suspicions and rumors concerning the governor, that he thought it necessary to lay before the council a full narrative of his proceedings in relation to the surrender of Teach, and also with respect to "his bringing into this government, *as he pretended*, a wreck laden with sugars," and of his behavior until his capture and death.[2] The result was an address to the lords proprietors by the council, which we infer was designed to exculpate the governor. As to Knight, the judge and secretary of the province, direct charges against him were transmitted by the admiralty court of Virginia to the Governor of North Carolina, founded on testimony that was produced on the trial of the comrades of Teach; and, as we shall see presently, the council called on Knight to answer.

After the condemnation of the French ship and cargo, Teach remained in Pamlico River, trading with the planters, and with other vessels that came in,—exchanging his share of the plunder for such commodities as he needed, and evincing, in his traffic, a total want of honesty. This roused the resentment of the people, and they furnished unequivocal evidence of *their* opinion as to his true character, and of his story of finding the French ship, by applying to Spotswood, then governor of Virginia, to request the British naval officer in command on his station, to send a force into the waters of Carolina and take the pirate. It is intimated that they adopted this course because Eden, their own governor, was not, in their view, sufficiently prompt in affording them redress.

Captain Ellis Brand was the naval officer commanding in the

[1] 1 Martin, 283.

[2] MS. Records of Council, 1718. We have sought in vain for this narrative of Governor Eden. It alone can give us his side of the story.

waters of Virginia; and he, acting in concert with Governor Spotswood, fitted out two sloops, and placing them under Lieutenant Maynard, ordered him in pursuit of Teach. Spotswood at the same time offered, by proclamation, a reward of one hundred pounds for the apprehension of Teach, fifteen pounds each for any of his officers, and ten pounds per man for his crew. Maynard sailed from James River in November, 1718, and four days after crossed Ocracoke bar and steered for Pamlico River. It had been the effort to keep Maynard's expedition secret, and take the pirate by surprise; but Teach had discovered it, and was prepared to defend himself, with his crew of twenty-five desperadoes. As Maynard came within gun-shot, he received Teach's fire, so that the engagement commenced on his side. Maynard then stood directly for his vessel, but unfortunately grounded, near enough for Teach to hail him, and with horrid imprecations, to let him know he would neither give nor take quarter. The fight thus became one of predetermined extermination, and was desperate on both sides. By one broadside Maynard lost twenty men, when he promptly resolved that the contest should be finished, hand to hand, at close quarters. To effect this, he resorted to the stratagem of sending his men below, with instructions to be ready to appear on the first signal, prepared for close quarters. As he anticipated, Teach, perceiving his deck clear, ordered his crew to board. The moment they touched his deck, Maynard called his men, and then the slaughter commenced. The two commanders made for each other, and discharged their pistols without effect; they then drew their dirks, and alike between officers and men on both sides, the blows of death were dealt with fearful rapidity on a deck soon made slippery with blood. At last Teach fell, exhausted from the wounds he had received: of the seventeen pirates who had boarded the king's vessel, Teach with nine others were killed outright, and the other eight were so wounded that they begged for and received mercy. Maynard then immediately attacked Teach's vessel containing the residue of the pirates who had remained on board of her. The officer in command had ordered a desperate negro, who with a fire-brand stood ready, to apply it to the magazine and blow the vessel up the moment she was boarded. One broadside was all that she discharged, in returning which, the commander of

the pirates would appear to have been killed, and the crew yielded; though it was with difficulty the negro was prevented from blowing up the vessel, even after he knew that he who had ordered it was dead.[1]

Teach was now beyond the reach of human punishment: he had gone to a more fearful tribunal than that of man. Maynard ordered his head to be severed from his body, and hanging it at the end of his bowsprit, sailed up to the town of Bath, where he landed his men and remained some little time for their refreshment and recovery. He then proceeded to his station in Virginia, taking with him his pirate prisoners, and still carrying, in advance as before, the head of their brave but villainous leader hanging at his bowsprit.[2] A court of admiralty there soon disposed of them, and thirteen of them followed their chief to the judgment-seat of eternity.

On the trial of these men, facts were sworn to which seemed to implicate Knight, the secretary, who temporarily acted as judge also in the court of admiralty. They were such as induced the Virginia authorities formally to communicate them to those of Carolina; and Williamson says that "by that evidence, Knight's character was destroyed."[3]

The records of Virginia and our own, show that a witness, the master of one of Teach's vessels, was with him, in 1717, when he piratically took the French ship loaded with sugar and cocoa: that he brought her into Carolina, pretending that he had found her abandoned at sea: that soon after arriving at Ocracoke, Teach went up to Knight's house at Bath, in a boat, carrying with him a present of chocolate, loaf-sugar, and sweetmeats, taken from the French ship: that when Teach returned, he brought back divers articles, which he said he had bought in the country, but which the witness subsequently understood he had forcibly taken, by robbery, from a man named Bell: that four men, who were among the pirates captured by Maynard, were those who accompanied Teach in the boat from Ocracoke to Knight's house. These four men were negroes, and corroborated the statements above, adding that the articles brought back by Teach were forcibly taken, on

[1] 1 Martin, 284. [2] Ibid., 285. [3] 2 Williamson, 9.

their return, from the boat of Bell, whom they met not far from Knight's house.

Bell testified to the particulars of the robbing by Teach, and especially to the theft of a remarkable silver cup, which was found on board of Teach's vessel when captured by Maynard.[1]

Williamson appears to think, and not without reason, that a man of such standing as Knight possessed, should not be condemned too hastily, on the testimony of one white and four black pirates.[2] He, however, intimates that there was testimony more damaging than this, furnished by Knight himself. When Teach was killed, a letter from Knight was found upon his person, which, to say the least, afforded evidence of a degree of friendly intimacy with a more than suspected pirate, utterly unbecoming in one who was, when he wrote it, secretary of the province, the acting judge in admiralty, and collector of the customs for Bath. This letter requests Teach to come to him as soon as possible, and informs him that he has matters of importance to communicate, which he cannot commit to writing. The messenger by whom he sends the letter, he adds, can tell him, in part, what he would *say*, but dare not *write*. He advises him to come to a reconciliation with three men, unnamed, with whom it seems he had quarrelled; and tells him that he is expecting a visit from the governor on that day or the next; and believes that his excellency would also be glad to see him before he leaves Carolina. To this he subscribes himself, "Your real friend."[3] There is another fact mentioned by Williamson, for which he cites no authority, and for which among our manuscript records we have seen none. It is this—that of the cargo of the French ship, said to have been found abandoned, twenty barrels of sugar and two bags of coffee were stored by Teach in Knight's barn.[4] If this be so, it must be confessed it furnishes a proof of complicity on Knight's part, the force of which it is difficult to evade.

When the authorities in Virginia communicated these matters to the Governor of North Carolina, they did not hesitate to charge Knight with being "an accessory to pirates;" and demanded that he should, by the powers in Carolina, "be apprehended and pro-

[1] MS. Records of Council, 1718.
[2] Williamson, 8, 9, 223.
[3] A copy of this letter may be found in 2 Williamson, 226.
[4] 2 Williamson, 6, 7.

ceeded against" accordingly. The governor laid the matter before the council, and they determined that before any proceedings were had, Knight should be furnished with copies of all the documents relating to this charge from Virginia, and should be required to attend the council at its next sitting, bringing with him all documents and papers of every kind, in any way relating to Teach, and the transactions of Captain Brand, Lieut. Maynard, and all others concerned in that business.

When Knight appeared, he produced as a witness a young man, who swore he resided in Knight's house at the date of the alleged visit of Teach, and for several days before and after it: that Knight was, during that time, too sick to leave his house: that he himself was particularly watchful at night, on account of alarm from the Indians: that on the night named as that of the visit of Teach, he was quite positive no one came to Knight's house: that when Bell was examined before Knight, touching the robbery of his boat, he did not name Teach as the robber, but others: and finally, that he never had known Knight, or any of his family, to receive any present from Teach, except a gun, worth about forty shillings. This appears to have satisfied the council, and terminated the business. Knight, however, we are inclined to think, never afterward occupied his former position in the estimation of the community. And now we gladly turn from chronicling events like these, to speak of other matters connected with the trade of the province.

The want of a circulating medium in the operations of trade was necessarily felt very sensibly by the community, and the wits of the wisest among them were exercised to devise a remedy for the evil. In the absence of cash, they sought, as men generally do, to substitute for it, credit. But individual credit would not suffice; nor could individual action make a current medium of exchange that would pass from hand to hand as money, like the metallic standard of value, gold and silver coin. The only plan therefore was, for the government to create the credit and supply the medium. Nor was this required for the convenience of the people only: the government was itself in debt, and needed the means of payment. It is true it had a revenue: there was a small tax on land; a list of tithables—that is, persons between certain

ages, on each of whom there was a personal tax; there were imposts also on vessels entering, as well as other small taxes; but the whole amount of the provincial revenue from all sources was but small. The Indian wars of 1712 had created a debt due from the country, and its financial affairs were most commonly, in the times of the proprietors, in a sadly depressed condition. The remedy adopted by the Assembly, was to issue what they called "bills of credit." The idea, however, did not originate with them; they followed the example of the southern part of the province at Charleston. The first instance of bills of credit in Carolina, and the second in any of the colonies, was seen there. Forgetful of the fact that credit was but a *temporary* substitute for cash, that the day must come at last when the promise must be redeemed by payment, and that a violated promise must inevitably destroy the value of the substitute on which they relied, the Assembly of Albemarle yet seem, at first, as far at least as we can discover, to have ordered emission of the bills, without providing any special sinking fund for their ultimate redemption.

Of these bills, we presume not one is now extant: we think, however, that they declared on their faces, not that the provincial treasury would ever pay them, but simply that they should "pass current for" so many pounds or shillings, "according to the act of Assembly," &c. Such at least was the form in Pennsylvania, where a similar emission was made.[1] The first emission of £8000 was directed to be of £2000 per annum, "till the public debt was satisfied." In 1715, a new law was made, ordering £24,000 to be issued, the particulars of which were as follows:

1. Commissioners were appointed to have the bills prepared for different sums, to sign them, and to stamp them with the colony seal.

2. To counterfeit them was made felony without benefit of clergy.

3. No time of payment or redemption was to be named in the bill, nor was any interest to be allowed on the sum named in it.

[1] Laws of Pennsylvania, 1762, printed by Miller, vol. i. p. 595. Brickell gives us the following as the form of a bill: "*This bill of ten pounds shall be current in all payments in North Carolina, according to an act of Assembly, made November 9th*, 1729." We presume the same form was used before 1729. Brickell's History, p. 45.

4. The bills, when thus made, were to be placed in the hands of a special commissioner, who was required to give bond for the faithful discharge of his duty.

5. With the bills, this commissioner was to pay to the creditors of the province in the different precincts, through the hands of the precinct treasurers, the balances due them respectively from the government, on claims that had been allowed.

6. Within six months from the 25th of March, 1715, all outstanding bills of credit, of the previous emission, were to be brought in to the commissioner, to be by him redeemed with the new bills. On the old ones thus brought in, the commissioner might allow not more than two years' interest; such interest terminating on the date above named. And if any person holding the old bills did not bring them in to the commissioner to be exchanged before the 25th of August, 1715, then he was to receive no interest on them at all; and if he did not bring them in before the 25th of March, 1716, then they were to be held and adjudged of no value.

7. As fast as the commissioner redeemed old bills to the value of £300, he was to burn them.

8. The new bills were made *a legal tender* for debts payable in any of the rated commodities of the country, or for money. If offered in satisfaction of the latter, they were to be estimated at one half the value of sterling; and if any person refused to take them in payment, he incurred a forfeiture of double the value of the bills thus refused.

9. If any member of the Assembly, in either house, should make a motion which, in the judgment of the house, was "derogatory and prejudicial to the public credit of the new bills," such member was to be represented to the lords proprietors as an enemy to their interests and to the country, and as unworthy of their service. If he belonged to the council, he should also be find £20, and be suspended from the council until their lordships' pleasure could be known; if he belonged to the lower house, he should be declared incapable of ever after sitting therein.

And these were the ideas of our forefathers as to making paper money. Rude enough, it must be confessed. Not one word making provision for, or promising future redemption; nor even

the small privilege allowed the people of paying their taxes with this currency at its *par* value.

But experience came as time rolled on, and in 1722 we find them making some advance. In this year they passed a law for emitting bills to the amount of £12,000; and from the preamble it would seem that about one half of the former emission of twenty-four thousand had passed out of circulation, having either found its way to the treasury, or been worn out by usage. These new bills varied from one shilling up to five pounds, and were to be disposed of, by a commissioner, as the former emission had been. All the old bills were declared to be valueless after August, 1723, but in the mean time might be exchanged for the new currency. The redeemed bills were to be presented to the Assembly, that they might be examined and burned. Again they were made a lawful tender, and declared to be fifty per cent. less in value than sterling, but were to be taken at par in all cases where the contract did not expressly state that the debt was to be paid in sterling. Counterfeiting was, as before, made a capital felony, and so also was the uttering a counterfeit, knowingly.

Then came a provision looking to the redemption of these bills. An annual poll-tax of five shillings was laid on every tithable in the country, which it was made the duty of the sheriff to collect. The constables of each district, in every precinct, were required to go from house to house, under the direction of the justices of the precinct, that the list of tithables might be complete and accurate. These lists were to be handed to the sheriff, who, by a certain day in each year, was to collect the tax, and, if necessary, to raise it by a distress. The sheriffs were allowed, in settling their accounts with the treasury, to make their payments *in the bills of credit*, or in rated commodities of the government, deliverable at certain landing-places on the navigable streams, in their respective precincts.

This law was an improvement on its predecessor, but still sadly defective. At length, however, in 1727, an act was passed, which, under the circumstances of the country, was wise and good; and, if executed according to its terms, quite adequate to furnish the people with a safe circulating medium that would in general vary but little from its par value.

The basis of this act was the security by mortgage of improved unincumbered real estate, for the repayment to the government of a loan from it. In fact, the law established a loan office, of which these were the leading features:

1. The sum to be issued was fixed at £40,000, in bills of various amounts, from one shilling up to ten pounds.

2. Five commissioners were appointed to make and sign the bills, and affix to them the colony seal.

3. They were then to deliver one fourth in value of the bills thus made to the treasurer, for the redemption of, or in exchange for, old bills of the former emission. The remaining three fourths were to be delivered to the several precinct treasurers named in the act, in proportion to the number of tithables in each precinct: the tithables having been previously obtained by a carefully taken census, and certified to the treasurer of the province upon oath. Eleven precincts are named in the act, as then existing, viz.: Chowan, Perquimons, Pasquotank, Currituck, Bertie, Tyrrel, Beaufort, Hyde, Craven, Carteret, and New Hanover; and it is observable that the names of the gentlemen appointed in these several precincts bring to our notice the names of several of our oldest and most respectable families, still living in the same localities that were occupied by their forefathers.

4. The respective precinct treasurers were authorized and directed, after the 25th of March, 1728, to issue the bills to such persons in their respective precincts as might desire them, and in such sums as they might wish, on a loan of fifteen years. The person receiving the bills was, however, first to execute a mortgage to the treasurer of unincumbered lands in the precinct, to which he had good title, and which was of double the value of the bills he received. His obligation also bound him to pay annually to the treasurer interest on the sum received, at the rate of six and one fourth per cent.; and also one fifteenth of the principal he might have received, on or before a day named. Thus, supposing one to have received £100, at the end of the first year he was required to pay £12 18*s.* 4*d.*; that is to say, £6 13*s.* 4*d.* of the principal (being one fifteenth) and £6 5*s.* interest on the hundred he had received. Proceeding in this manner, he would for the second year pay £12 10*s.*; that is, another fifteenth of the

principal, £6 13*s.* 4*d.*, and a diminished interest, £5 16*s.* 8*d.* At the expiration of the fifteen years, the sum of £150, principal and interest, would thus be paid off in annual and constantly decreasing installments.

5. To insure promptitude in the payment of these annual installments, the precinct treasurers were authorized, on default, to make, by any officer whom they might appoint for that purpose, an immediate distress and sale of the personal effects of the defaulter to the amount of his deficit.

6. Further to guard against the possibility of defective security, from the existence of a prior mortgage on the land of the borrower, although a general registry law then existed, it was made the duty of every mortgagee of lands in the precinct to give the treasurer notice, in writing, of the particulars of such mortgage, before the 25th of March, 1728; and if in this he failed, the mortgage to the treasurer, if one were made, should have priority, though it were of later date and unregistered.

7. Where the treasurer was ignorant or had doubts of the double value of the lands offered in mortgage, then they were to be appraised on oath, by two indifferent freeholders selected by the treasurer.

8. All former bills of credit then in circulation were made of no value after the 29th of September, 1728. Up to that time they might be exchanged, at the treasury, for the new bills created under this act.

9. As these new bills might rise above or fall below the market value of those already in circulation, it was provided that they should be estimated at a fixed value,—twenty shillings of the bills were to be held worth fifteen pennyweights of silver, as current in Virginia; and in all payments of debts then existing in making allowance for the advance or depreciation of the new currency, this fixed value was to be assumed as a basis. It was also provided that each succeeding Assembly, during the fifteen years of the loan, should periodically revise this part of the law, and declare the value in silver of twenty shillings in bills, according to the then existing condition of moneyed affairs in the province.

10. The form of the mortgage required was next prescribed: it was very short and simple, and it was expressly enacted that no

mortgage made under the act should be invalid for the want of technical precision. If there was default in the annual payments, and it became necessary to enforce the mortgage, the process was summary. No bill to foreclose was required: the precinct treasurer might enter at once upon the mortgaged premises, and after thirty days' written notice at the court-house of the precinct, might there publicly sell the lands to the highest bidder, and make a good title to the purchaser, by his deed. If a surplus above what was due remained after sale, it was to be paid to the mortgagor. But the mortgage was not to be enforced until there had been default in payment for *three* years; and never, when there was personal property to satisfy what was due.

11. As, however, the bills might not be issued fast enough to derive from their interest sufficient funds to defray the contingent expenses of the government, a poll-tax of three shillings on each tithable was imposed. This tax was to be regulated, from time to time, by future Assemblies during the fifteen years' loan, according to the amount of bills in circulation. The precinct treasurers were also empowered to collect this poll-tax, as well as all that might be yet due and unpaid on the former levy of five shillings per poll.

12. It will be seen that if the £30,000 in the hands of the precinct treasurers were all loaned out pursuant to the act, at the end of fifteen years the principal and interest thereof combined would be £45,000, an excess of £15,000 above the principal received, which it was very necessary to keep in circulation that the people might have means wherewith to meet their payments. It was, therefore, seen to be indispensable that this *interest* should not lie idle in the treasury, nor yet be burned: it was wanted for the circulation of the country, and its absence would especially be felt in the payments of the latter years of the fifteen. Accordingly it was determined to issue it a second time *to a certain extent*. How much was to be reissued was the first question, and as £10,000 of the whole sum made (£40,000) would already be in circulation by having been *exchanged* for that amount, already in the people's hands, of the *old* currency, it was thought that if £5000 of the interest paid in were again thrown into the circulation, it would suffice. The next question was, *how* should it be reissued? Certainly not again as a loan upon mortgage of real estate, for this

would have defeated the whole plan. But if properly applied to some public use, it mattered little what, it accomplished the great end of once more circulating it among the people. Accordingly, while £10,000 of the interest money were retained in the treasury, to go out no more, and finally to be burned, they ordered £5000 to be paid out of the interest money as it was received, in paying the expenses of the government, and in defraying the necessary charges for preparing the bills and otherwise carrying into effect this act.

13. The next provision authorized the governors to fill vacancies among the commissioners, occasioned by death or resignation.

14. The treasurer was required to hand in to the Assembly all the old bills he received in exchange, that they might be examined and destroyed.

15. The new bills were made, as in all previous cases of emission, a lawful tender; and certain rated commodities were named in the act, with their respective values in the new currency.[1]

16. Counterfeiting or altering the bills, or knowingly uttering them thus counterfeited or altered, was made punishable for the first offence by whipping, not to exceed forty lashes, standing in the pillory two hours, and having one ear nailed thereto, and cut off: for the second offence, whipping and the pillory as before, the loss of the other ear by nailing and cutting off, and branding in the hand with a hot iron: the third offence was made felony without benefit of clergy.

17. All precinct treasurers were to give bonds and take oaths for the faithful performance of their duties.

[1] It may not only gratify curiosity to subjoin this list, but also show the condition of the country, as exhibiting the worth of the necessaries of life.

Pitch per bbl.	£1 00 00	Indian corn per bushel	£0 04 00
Tar "	0 12 06	Turpentine per bbl.	1 05 00
Pork "	4 10 00	Train-oil "	2 10 00
Beef "	3 00 00	Wheat per bushel	0 07 00
Tallow per lb.	0 00 10	Tobacco per cwt	1 05 00
Silver per ounce	1 05 00	Rice "	1 05 00
Gold per dwt.	1 00 00	Hides per lb.	0 00 06

If any one owed a debt in any of these rated commodities, he might pay it in bills according to the above values; and the creditor could not refuse to take payment in bills, unless the contract expressly provided that payment should be made in gold or silver coin. So, too, the tax-collectors and other officers of the country might take payment of the public debts in the above commodities, at their rated value, instead of in bills.

18. All existing contracts for payments in gold or silver were to remain according to the usage at the time of the contract made, and were not to be affected by this act.

19. Any borrower of the bills might, at any time, pay in all he owed; but if he did, he was required to pay also three per cent. on the sum borrowed for the unexpired period of the fifteen years.

These were substantially the provisions of this law, and under the circumstances of their position, it was the best they could do. They could not of course make a *bank*, such as is known to modern times, nor would it have been advisable to do so if they could. This plan had but one feature in common with a bank: it furnished a paper circulating medium; but it received no deposits, it made no discounts, it dealt in no exchange, it paid no dividends. Its advantages were two: first, in affording a circulating medium; and, secondly, in deriving, from the interest paid in, the partial means of carrying on the government with a little less of direct taxation. As to profit, the government could not derive any, even from the diminution of the bills in circulation, by loss or destruction from use, because the bills promised no specie to the holder, and none could be demanded.

Pennsylvania adopted a plan very similar to this in its minor details, and identical with it in the great features.[1] It worked well there, and Governor Pownal, who had presided over Massachusetts, South Carolina, and New Jersey, strongly recommended to the mother country herself to open a loan-office on this plan for all the colonies. Its results in Carolina belong not to this volume, but to her history under the royal government.

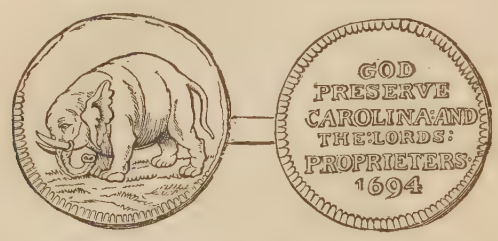
Our researches have brought to our notice the existence, during the proprietary government, of a something which we know not whether to class as a coin or a medal merely—though we think it was the latter. The only American publication in which it has been noticed is one of our popular magazines.[2] It is, however, to be found in English publications.

The only remark which accompanies it is the following:—"In

[1] Laws of Pennsylvania, Miller's edition, 1762, vol. i. p. 593.

[2] Frank Leslie's new Family Magazine for June, 1858.

the year 1694, a copper piece was struck, it is said by Rotiers, a celebrated medallist of that day, for circulation in the Carolinas. It bears the figure of an elephant on one side, and on the other, the inscription, 'God preserve Carolina, and the Lords Proprietors, 1694.'" As, however, it may have had a moneyed value as coin, we have here preserved it.



From Col. Byrd we learn something of the particulars of the Indian trade. Articles fit for the business were imported from England, and the importers either sent them out to the Indian towns at their own risk, or else sold them on credit to responsible Indian traders, who paid for them, on their return, in skins and peltry. The business was carried on by caravans, the goods having been made up into suitable packages for transportation by horses. Each animal carried from one hundred and fifty to two hundred pounds, and the caravan travelled about twenty miles a day. The number of horses, in the most active time of the trade, was sometimes as great as a hundred. The trail on which they travelled was always the same, and the journey sometimes was as much as two hundred and fifty miles from the Roanoke River. The goods they carried were chiefly guns, powder and shot, hatchets or tomahawks, kettles, coarse red and blue cloth, blankets, some cutlery, brass rings, and cheap trinkets. They took a southwest course from Roanoke, and crossed the country and streams between it and the Yadkin, and thence passed down to the Catawba Indians on the Santee, with whom they had the largest trade. The returns were almost entirely in skins.

But little more remains to be said in this department of our work. From the best information we have been able to collect, the following presents, we believe, a truthful picture of the limited trade of the province. Sometimes, though rarely, exports

were made to England. Of these, the articles of domestic production were, pitch, tar, turpentine, deer-skins, a few furs of the beaver, otter, and raccoon, tobacco, timber (pine and cypress), and white-oak staves; other articles, brought from Campeachy and the West Indies, and shipped for England, were chiefly logwood and cocoa. The trade to the West Indies consisted of exports of staves, hoops, shingles, beef, pork, pitch, tar, turpentine, and tallow; and the imports were rum, sugar, molasses, cotton, and salt. English manufactured goods were also imported from the islands. Negroes were also brought, from Jamaica and Barbadoes chiefly. There was also a coasting-trade: this was with Boston, New York, and Virginia principally. Dressed deer-skins, some leather, naval stores, and sometimes Indian slaves, were the articles sent. The return cargo, particularly from New England, was beer, cider, dried codfish, mackerel, and occasionally English manufactured goods.

CHAPTER FIFTH.

RELIGION AND LEARNING.

1663—1729.

PRELIMINARY DOCUMENTS TO CHAPTER FIFTH.

SUBJECT:

RELIGION AND LEARNING.

1. — **1703.** Letter from Mr. Henderson Walker to the Lord Bishop of London.
2. — **1704.** Account of the Rev. Mr. Blair's Mission to Carolina.
3. — **1708.** Report of the Rev. Mr. Adams, Missionary to Carolina. (Two Letters.)
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15. — **1712.** Extracts from the Minutes of the Governor and Council.

No. I.

Letter from Mr. Henderson Walker to the Lord Bishop of London.

[*From MSS. in possession of the author.*]

North Carolina, 21*st October*, 1703.

May it please your Lordship:—

The great and pious designs of your lordship toward these American parts, for the propagation of the Christian Church, of which you are so pious and good a pillar, emboldens me to lay before your lordship the present state of North Carolina, as to their Christian well-being; and I was the more encouraged to do it by reason that our lords proprietors were pleased to write to us concerning Mr. Bray, your lordship's commissary, coming to visit us.

My lord, we have been settled near this fifty years in this place, and I may justly say most part of twenty-one years, on my own knowledge, without priest or altar, and before that time, according to all that appears to me, much worse. George Fox, some years ago, came into these parts, and, by strange infatuations, did infuse the Quakers' principles into some small number of the people; which did and hath continued to grow ever since very numerous, by reason of their yearly sending in men to encourage and exhort them to their wicked principles; and here was none to dispute nor to oppose them in carrying on their pernicious principles for many years, till God, of his infinite goodness, was pleased to inspire the Rev. Dr. Bray, some time about four years ago, to send in some books of his own particular pious gift, of the explanation of the Church catechism, with some other small books, to be disposed of and lent as we thought fit, did, in some measure, put a stop to their growth; and about a year after, did send to us a library of books for the benefit of this place, given by the honorable the Corporation for the Establishing the Christian Religion, by one Mr. Daniel Brett, a minister appointed for this place. He for about half a year behaved himself in a modest manner, but after that, in a most horrid manner, broke out in such an extravagant course that I am ashamed to express his carriage, it being in so high a nature. It hath been a great trouble and grief to us who have a great veneration for the Church, that the first minister who was sent to us should prove so ill as to give the dissenters so much occasion to charge us with him. My lord, I humbly beg you to believe that we do not think that the Rev. Dr. Bray knew any thing of the life and conversation of the man. We did, about this time two years, with a great deal of care and management,

get an Assembly, and we passed an act for building of churches and establishing a maintenance for a minister amongst us; and in pursuance thereto we have built one church, and there are two more a going forward; and his excellency, Francis Nicholson, Esq., governor of Virginia, was pleased, of his pious goodness, to give us £10 to each church, and we sent copies of that act of Assembly to our lords proprietors to get the same ratified, and likewise a copy to Dr. Bray, to entreat his favor with them to obtain a ratification, which we are in hopes to obtain this shipping; but they not being come, we are in a great loss. My lord, I humbly beg leave to inform you, that we have an Assembly to sit the 3d November next, and there is above one half of the burgesses that are chosen are Quakers, and have declared their designs of making void the act for establishing the Church; if your lordship, out of your good and pious care for us, doth not put a stop to their growth, we shall the most part, especially the children born here, become heathens. I humbly entreat your lordship to send some worthy, good man amongst us to regain the flock, and so perfect us in our duty to God, and establish us by his doctrine, life, and conversation in the fundamentals of our Christian profession, that we in our time, and those as come hereafter, may bless God that he has raised up so noble a pillar as your lordship to regain those who are going astray, and put a stop to the pernicious, growing principles of the Quakers.

Your lordship may see the copy of our act by Dr. Bray, and I humbly beg your lordship's pardon for giving you this trouble, and take leave to subscribe myself, my lord,

Your most humble and obedient servant,

HENDERSON WALKER.

No. II.

AN ACCOUNT OF MR. BLAIR'S MISSION TO NORTH CAROLINA.

[*From the author's MSS.*]

I was ordained, in order to go to the plantations, 12th April, 1703, and then received the queen's bounty of £20, and, soon after, my Lord Weymouth's bounty of £50; upon which I lived in England till the 1st of October following, which, together with my fitting out for such a voyage and country, consumed the most part of my money. I had likewise £5 sent me by my lord of London to Portsmouth, and when I landed in Virginia I had no more than £25.

I landed in Virginia, 14th of January, 1704; and, as soon I could conveniently travel, I waited upon the governor, and immediately after made the best of my way into the country where I was bound.

I arrived amongst the inhabitants, after a tedious and troublesome journey, 24th ditto. I was then obliged to buy a couple of horses, which cost me fourteen pounds,—one of which was for a guide, because there is no possibility for a stranger to find his road in that country, for if he once goes astray (it being such a desert country) it is a great hazard if he ever finds his road again. Beside, there are mighty inconveniences in travelling there, for the roads are not only deep and difficult to be found, but there are likewise seven great rivers in the country, over which there is no passing with horses, except two of them, one of which the Quakers have settled a ferry over for their own conveniency, and nobody but themselves have the privilege of it; so that at the passing over the rivers, I was obliged either to borrow or hire horses, which was both troublesome and chargeable, insomuch that in little more than two months I was obliged to dispose of the necessaries I carried over for my own use, to satisfy my creditors.

I found in the country a great many children to be baptized, where I baptized about a hundred; and there are a great many still to be baptized, whose parents would not condescend to have them baptized with god-fathers and god-mothers.

I married none in the country, for that was a perquisite belonging to the magistrates, which I was not desirous to deprive them of.

I preached twice every Sunday, and often on the week-days, when their vestries met, or could appoint them to bring their children to be baptized.

I called a vestry in each precinct, in my first progress through the country, to whom I gave an account of my Lord Weymouth's charitable bounty in supporting my mission among them, and likewise of the good designs the honorable society had for them, as I was informed by Mr. Amy that they had settled £50 per annum for the maintenance of two clergymen amongst them; and likewise a proposal that Dr. Bray desired me to make to them, that, upon their procuring good glebes, he doubted not that there might be a settlement made for the advantage of the Church, such as there is in the island of Bermudas, viz., two slaves and a small stock in each precinct, and that to be continued good by the incumbent to his successor, which will be a lasting estate to the Church.

They have built in the country three small churches, and have three glebes.

In the three chief precincts, there is a reader established in each, to whom they allow a small salary, who reads morning and evening prayer

every Lord's day, with two sermons, and I took care to furnish them with books from the library before I came away.

I remained very well satisfied in the country till their Assembly sat, which was on 1st March, where I expected they would propose a settlement for my maintenance; and they taking no care of it, together with my then circumstances, which were but very indifferent, discouraged me very much, and occasioned my first thoughts of returning to England; for I was informed before I went thither that there was £30 per annum, settled by law, to be paid in each precinct for the maintenance of a minister, which law was sent over hither to be confirmed by their lords proprietors, and it being supposed not to be a competency for a minister to live on, was sent back again without confirmation, whereof the Quakers took the advantage, and will endeavor to prevent any such law passing for the future, for they are the greatest number in the Assembly, and are unanimous, and stand truly to one another in whatsoever may be to their interest. For the country may be divided into four sorts of people: first, the Quakers, who are the most powerful enemies to Church government, but a people very ignorant of what they profess. The second sort are a great many who have no religion, but would be Quakers, if by that they were not obliged to lead a more moral life than they are willing to comply to. A third sort are something like Presbyterians, which sort is upheld by some idle fellows who have left their lawful employment, and preach and baptize through the country, without any manner of orders from any sect or pretended Church. A fourth sort, who are really zealous for the interest of the Church, are the fewest in number, but the better sort of people, and would do very much for the settlement of the Church government there, if not opposed by these three precedent sects; and although they be all three of different pretensions, yet they all concur together in one common cause to prevent any thing that will be chargeable to them, as they allege Church government will be, if once established by law. And another great discouragement these poor people have, is a governor who does not in the least countenance them in this business, but rather discourages them.

Finding it impossible to travel through the country at that rate I began, I was resolved to settle in one precinct, but the people, all alleging that my Lord Weymouth's charity was universally designed for the whole country, would not consent to it; which bred some disturbance amongst them, upon which I was advised, by some of the best friends of the Church, to come over and represent their condition to the honorable society, not only of their want of ministers but likewise of inhabitants to maintain them; and their desires, they complying with my necessities, was a powerful argument, con-

sidering I was then reduced to my last stake, and knew not where, or upon what account, to be further supplied. Besides, such a solitary, toilsome, and hard living as I met with there were very sufficient discouragements. I was distant from any minister one hundred and twenty miles, so that if any case of difficulty or doubt should happen, with whom should I consult? And for my travelling through the country, I rode one day with another, Sundays only excepted, about thirty miles per diem in the worst roads that ever I saw; and have sometimes lain whole nights in the woods.

I will now endeavor to show you how inefficient a single man's labors would be amongst so scattered a people. In the first place, suppose him minister of one precinct (whereas there are five in the country), and this precinct, as they are all bounded with two rivers, and those rivers at least twenty miles distant, without any inhabitants on the road, for they plant only on the rivers, and they are planted in length upon those rivers at least twenty miles, and to give all those inhabitants an opportunity of hearing a sermon, or bringing their children to be baptized, which must be on the Sabbath, for they won't spare time of another day, and must be in every ten miles distant, for five miles is the furthest they will bring their children, or willingly come themselves; so that he must, to do his duty effectually, be ten or twelve weeks in making his progress through one precinct.

You may also consider the distance that the new colony of Pamptico is from the rest of the inhabitants of the country, for any man that has tried it would sooner undertake a voyage from this city to Holland than that, for beside a pond of five miles broad, and nothing to carry one over but a small perryauger, there are about fifty miles desert to pass through, without any human creature inhabiting in it. I think it likewise reasonable to give you an account of a great nation of Indians that live in that government, computed to be no less than 100,000, many of which live amongst the English, and all, as I can understand, a very civilized people.

I have often conversed with them, and have been frequently in their towns: those that can speak English among them seem to be very willing and fond of being Christians, and in my opinion there might be methods taken to bring over a great many of them. If there were no hopes of making them Christians, the advantage of having missionaries among them would redound to the advantage of the government, for if they should once be brought over to a French interest (as we have too much reason to believe there are some promoters amongst them for that end by their late actions), it would be, if not to the utter ruin, to the great prejudice of all the English plantations on the continent of America.

I have here in brief set down what I have to say, and shall be ready to

answer to any questions the honorable society shall think convenient to ask me concerning the country; and shall be both ready and willing to serve them anywhere upon such encouragement as I can live, according to my education, after my Lord Weymouth ceases to lay his commands on me.

I have made a considerable losing voyage of it this time, both by my needless travelling to America, and likewise by being taken into France, where I was prisoner of war nine weeks, and was forced to make use of my credit for my subsistence; and have lived in the same circumstances since I came to England, without any manner of relief, which has been very troublesome to me, all which has brought me considerably in debt, near £85, and now in no way to pay it, without my charitable benefactor or the honorable society judge my labors worthy a reward.

No. III.

The Rev. Mr. Adams to the Secretary of the Society for Propagating the Gospel.

[From the MSS. of the author.]

Virginia, 10*th June*, 1708.

Sir:—

Mr. Gordon and I, by the good providence of God, got safe to Virginia the last day of March, from whence we went into North Carolina, and addressed ourselves to the president of the council, who received us with all respect and civility.

The country is divided into four large precincts, beside a large tract of land called Pamplico, divided into three precincts more. I am by the president and council appointed to settle in the precinct called Pasquetank, and to take what care I can of the adjacent precinct of Carataunk [Curratuck] beside. There is no church in Pasquetank; but the people, upon my being ordained among them, have resolved forthwith to build a church and two chapels of ease, that parish being of too great an extent to meet all at one or two places. I have been twice among the people of Carataunk precinct, but cannot call it a visit, some of their leading men being out of the country, and the rest unwilling to go about any church affairs till their return. I cannot propose to make them so frequent visits as the faithful discharge of my duty requires, till the extremity of the heat abates a little, which now keeps me from undertaking long and tedious journeys.

Each precinct, by act of Assembly, allows a minister that resides among

them to the value of £30, in the produce of the country, which is equivalent to £10 or £15 sterling. I found, by the pious care of our new president, the posture of affairs, as to matter of religion, in a much better condition than might have been expected in a place so destitute of means. I have preached some preparatory sermons to the Lord's Supper, and find many of the people well inclined to receive the sacrament. I hope to be able to give a better account of the country and people by the London fleet. I could not get my goods to Carolina when I first arrived, but am come up again to Virginia to carry them down, and to set out from hence again (God willing) next morning for Carolina (blessed be God), in very good health; and hope the Almighty will enable me in some measure to answer the pious design of so many good men, which shall be the sincere and faithful endeavor of, sir,

Your most obedient and humble servant,

JAMES ADAMS.

MR. ADAMS TO THE SECRETARY OF THE SOCIETY.

[*From the MSS. of the author.*]

SIR:— NORTH CAROLINA, 18*th September*, 1708.

In my last, by Captain Stuart, I wrote you an account, among other things, what steps I had made in order to administer the sacrament of the Lord's Supper to such as should be religiously disposed; but our unhappy distractions which immediately followed, and the flame the country has continued in ever since, broke my measures as to that, and has made me desist till it shall please God to put an end to the confusion and contentions the whole province is engaged in.

I shall not trouble you with a long narrative of the unhappy circumstances this country at present lies under, because Mr. Gordon can inform you by word of mouth, and, I believe, show a copy of the true state of this province, written by our president, in whose sincerity and integrity you may confide, and who has been no small sufferer for his affection to the Church. I shall only add, that, in general, there are three sorts of people among us: many religious and true members of our communion, some Quakers, and most bred up in ignorance, who neither know nor profess any religion at all; and of these last it is to be hoped our Saviour has a plentiful harvest to be reaped. The Quakers, though not the seventh part of the inhabitants, yet, by the assistance and contrivance of Archdale, a Quaker and one of the lords proprietors, have in a manner the sole management of the country in their hands, and of late years have at their pleasure procured a revolution of government as often as he that sat at the helm seemed to favor our Church,

or endeavored to make any provision for a ministry; and if the grievances of the country be not speedily redressed by the proprietors, the Quakers, in conjunction with the Presbyterians (who always, in hopes of preferment, side with those who are in a capacity to promote their interest), will bear down the Church; and instead of our making proselytes, we shall, I am afraid, be hardly able to keep what we have from being perverted and seduced in this place of so great ignorance and enthusiasm. Beside, we shall be engaged in perpetual broils and quarrels (as we are at present); for our old worthy patriots, who have for many years bore rule in the government with great applause, cannot without concern and indignation think of their being turned out of the council and places of trust, for no other reason but because they are members of the Church of England, and that shoemakers and other mechanics should be appointed in their room, merely because they are Quaker preachers and notorious blasphemers of the Church; some of which have declared that, till the Prince of Wales be proved a bastard, the queen can have no pretensions to the crown of England. We are in hopes the lords have been imposed upon by Archdale, and that we shall be redressed from England according to the charter and laws of our country.

In the mean time I shall, by the grace of God, endeavor to behave myself with such moderation, diligence, and fidelity, as not to prejudice the great cause I have in hand.

That part of the country where I am, designed by this fleet to have sent an address of thanks to the society for my being sent among them; but, at my request, they have desisted till our animosities and heats (which already have not been without blood) be composed, and I give a further proof of my ministry.

That I may punctually observe your instructions and commands shall be the constant and faithful desire of, sir,

Your most obedient servant,

JAMES ADAMS.

No. IV.

GOVERNOR GLOVER TO THE LORD BISHOP OF LONDON.

[*From MSS. in possession of the author.*]

MY LORD:— HAMPTON IN VIRGINIA, 25 *September*, 1708

Beside my own obligations of duty and gratitude, I am engaged by the repeated applications of many of the inhabitants of this place, to offer

thanks for your lordship's care over us, and especially in behalf of the parish of Pascotank, where an orderly congregation has been kept together by the industry of a young gentleman whom the parish employed to read the service of the Church, as the law of this place, for want of a minister, doth direct. This gentleman being of an unblemished life by his decent behavior in that office, and by apt discourses from house to house, according to the capacities of an ignorant people, not only kept those he found, but gained many to the Church in the midst of its enemies, insomuch that the Reverend Richard Marsden, waiting here for a passage to South Carolina, thought it convenient to administer the sacrament of the Lord's Supper, which is the first time I can learn of its being administered in this poor country; this was done on Trinity Sunday, 1706, and the same day, forty-five persons, infants and adults, were baptized.

If any thing, my lord, in this life was able to raise in my breast a joy without mixture, it was to see unbaptized parents, with their children in their arms, offering themselves to Christ, which I have seen, and therefore I ever will rejoice.

This, with the adjacent parish of Caratuck, is now under the care of the Reverend James Adams, to their general satisfaction, whom they have presented to the small provision of £30 per annum each, which our law appoints. The Reverend William Gordon did not find things in so good order in the other two parishes of Chowan and Perquimans, yet I hope the account he will give of his reception will be in some measure satisfactory. It lyeth somewhat on me to make an apology for the vestry of Perquimans, where I live; it is the place where Quakerism has mostly prevailed, and thereby attended with difficulties, for which cause their vestry adjourned their meeting, to have gained the little advantage of my company, till time insensibly slipped from them whilst I was engaged in the unhappy troubles which the enemy, alarmed at the coming over of these worthy gentlemen, has raised against me; under which I still labor, with patience, until the lords proprietors shall apply some remedy to the present disorders, to whom I have faithfully represented the whole matter. By the Reverend William Gordon, who is the bearer hereof (while we bewail his absence here), your lordship will have a more particular account of the state of affairs, as also a copy of the act passed here relating to the Church, in which there is one great error, which was not in my power to prevent, viz., "the subjecting the clergy to be judged by laymen;" although that clause was never interpreted, even by the most zealous assertors of it, to extend to a power of displacing those who were orderly presented and inducted, but only such as came by chance and were agreed with from year to year, as the manner has

been formerly among our neighbors of Virginia. I shall only add further, that that clause had not been thought of by the composers of that law, had not the disorderly behavior of Mr. Brett given the occasion.

I most earnestly beg your lordship's pardon for this trouble, and your prayers for this poor country, and in it for me the most unworthy.

Your lordship's most dutiful
And ever bounden servant,
WILLIAM GLOVER.

No. V.

REV. MR. GORDON TO THE SECRETARY.

[*From MSS. in possession of the author.*]

SIR :— LONDON, *May* 13, 1709.

I have already delivered to your honorable board a short account of my voyage and journey to North Carolina, the effects of my mission, and the reasons which induced me to leave the place; and since you desire to know something further of the state of the country and condition of the people, in relation to their religion, principles, and practice, I shall (by the help of the closest and justest observations I could make, and the best informations I could get during my travels through the country) give you what satisfaction can be reasonably expected from so short a stay.

The continent of North Carolina is part of that great tract of land granted by King Charles II. to several lords proprietors, whose successors and present possessors are William, Lord Craven, His Grace, Henry duke of Beaufort, Lord John Carteret, Maurice Ashley, esquire, Sir John Colleton, baronet, John Danson, esquire, etc., being in number eight.

There are few or no dissenters in this government but Quakers, who have been always the greatest sticklers against, and constant opposers of, the Church, and that with no small success; it will not, therefore, be improper to trace their rise with the privileges and immunities they still plead and contend for at the present day, to the great disturbance of the peace of that province, and the hinderance of good laws and other proper endeavors for its improval.

From the first settlement, I find for some years they were few in number, and had little or no interest in the government, until John Archdale, proprietor and Quaker, went over, by whose means some were made council-

lors; and there being then no ministers in the place, they began to increase and grow powerful; for the council granting all commissions, in a short time they had Quaker members in most of their courts; nay, in some, the majority were such, who still, pushing at the government, were very diligent at the election of members of the Assembly; so that, what by themselves, the assistance of several unthinking people, and the carelessness of others, they carried all in that meeting likewise; so far that no encouragement could be obtained for ministers, notwithstanding some endeavors which were used to procure them a very small and inconsiderable allowance.

At last, after may attempts, the Churchmen carried an act, but by one or two votes, called "The Vestry Act," by which twelve vestrymen are to be chosen in every precinct, who have power to build a church in each, and to raise money from the inhabitants for that purpose, with a sum not exceeding thirty pounds for a minister; whom they have likewise (by that act) power, not only to disapprove, but displace, if they see cause. I took a copy of it and some other papers, but, my servant and trunk being left behind by an accident, they are not yet come to my hand.

The Church party thought they had now made a good step, and therefore designed to improve it to the advantage of religion, and setting such a regular Church discipline as the lords proprietors were obliged by their charter to countenance and encourage; but herein they met with constant opposition from the Quakers, who, being still powerful in the council, numerous in the Assembly, and restless in their endeavors, spared neither pains nor expense to have this act repealed or altered; and, by their continual cavils and disputes, lengthened out the time of the Assembly's sitting, to their great trouble and charge.

In the year 1704, the law made in the first year of her present majesty, entitled "An act to declare the oath coming in place of the abrogated oaths," etc., reached Carolina, which the Quakers refusing to take, they were dismissed the council, Assembly, and courts of justice, and a law was made that none should bear any office or place of trust without taking the said oaths.

Some time after, the Quakers sent complaints against Colonel Daniel, then governor, deputed by Sir Nathaniel Johnston, in South Carolina. They prevail: Sir Nathaniel removes him, and sends one Colonel Cary in his room.

The Quakers then began their old game, and strive to get into the courts and Assembly again. This governor thereupon tenders them the oaths, which they refusing to take, are again dismissed, and an act made, that whoever should promote his own election, or sit and act, not qualifying himself first by taking the oaths, should forfeit five pounds. This so nettled

the Quakers that, in the year 1706, they sent one Mr. John Porter to England, with fresh grievances and new complaints to the lords proprietors, who, by his cunning management, and the help of Mr. Archdale, a Quaker proprietor, obtained a new commission, by virtue whereof Sir Nathaniel Johnston's power in that province was suspended, Col. Cary removed, and several new deputations sent by the proprietors, with power to choose a president among themselves. Thus Porter, having procured a deputation for himself and some other Quakers, arrived in Carolina October 1707, about five months before we reached Virginia.

And here, sir, I could give you a large account of this man's management, and the use he made of his new commission, with his many tricks to advance the interest of the Quakers, and the confusion and disturbance of which he was the chief or only occasion,—but this would be as tedious as his actions are in themselves unwarrantable.

In short, sir, as soon as he arrived, he calls the new deputies together, being most Quakers (without waiting for the governor and old deputies' presence, though they had all appointed a day for the whole council to sit, and settle the government according to the lords proprietors' instructions in that commission), and chooses for their president whom they imagined would be for their purpose; but he, taking the same method as their former governors did, disappointed Porter's expectation, who, for revenge, gets a meeting with both old and new deputies, reverses Glover's election, declaring it illegal, and so void and null, though he was the only promoter of it. The president and Col. Pollock, a councillor, protested against these proceedings; but Porter went on, strikes in with Colonel Cary, the late deputy-governor, whom he had by his complaints turned out, chooses him president by the votes of the very same councillors who had before chosen Mr. Glover, and all this by virtue of that very commission which removed him from the government. From this sprung the great confusions in which I left that poor, distracted colony. There were two competitors for command; each drew their party in arms to the field, one man was killed before I came away, and God knows how far they have carried these contentions since.

I did, at my arrival in England, lay the whole state of these affairs before the lords proprietors, who, no doubt, will take a speedy and effectual method, not only to suppress the present, but prevent such disorders for the future; and there is now a gentleman appointed governor of that province [Hyde] who, by his prudence, will in all likelihood cool the present heats, and lead them on gently toward a regular and lasting establishment, to the advantage of the proprietors and peace to the country.

And now, sir, I shall examine a little the Quakers' pretences, who plead that they were the *first* settlers in that country; but this (according to the best accounts I could get) seems false in fact,—that religion being scarce heard of there till some years after the settlement; it is true, some of the most ancient inhabitants, after George Fox went over, did turn Quakers.

They allege they are the chief inhabitants, promoters, and upholders of its interests; but this must be either by their number, riches, or prudence. As to their number, they are, at this time, but about the tenth part of the inhabitants; and if they were more, they would be but the greater burden, since they contribute nothing toward its defence. Neither is it by their riches, there being but few or no traders of note amongst them; beside, the levy there is raised per poll, and not by the estimate of men's estates, so that the poorest pay as much as the richest. And it is so far from being by their prudence, that, on the contrary, their ignorance and obstinacy are but too remarkable upon all occasions, of which they have given a very evident proof by being the great promoters of the present confusions of that colony; so that I see no right they have to such a share in the government as they pretend. The charter, I am sure, grants them none, nor does it give power to the lords proprietors to grant any, neither have they by their constitution done any such thing; and if there be any privileges granted to the inhabitants, it is to such only who bear arms, so that it was other dissenters, not Quakers, they intended to invite thither by those indulgences. As for liberty of conscience, none may more peaceably enjoy it, if they would therewith be content.

I could not but take notice of their irreverent carriage, in subscribing their solemn affirmation. Mr. Archdale himself uncovered his head to hear a foolish woman make an unaccountable clamor before meat, at his own table; but when he subscribed the oaths to be taken for putting in execution the laws of trade, he did it with his hat on, which is an error no Barclay has made an "apology" for.

I have observed, amongst the worst of the other sort, when they came to the Book they showed a reverence, and there appeared an unwillingness upon them, which serves the great end of God and the queen, in the discovery of truth, whilst the careless and unseemly behavior of those men is openly scandalous and profane.

I shall now, sir, give you some small account of the particular precincts. You will see, by the plain draft, the largeness of so much of the country as is laid down, the bearings of the land, the number of tithables in each precinct. The roads are generally very bad, especially in Paquimans and

Pasquetank, which makes it a very troublesome work for one minister to attend two precincts.

Chowan is the westernmost, the largest and thinnest seated: they built a church some years ago, but it is small, very sorrily put together, and is ill looked after; and, therefore, I prevailed with them to build another, which they went about when I came away. The plan of it I brought over, and was desired to procure, if possible, from the society, as much glass as will be necessary for the windows, which by computation will amount to 325 feet.

There are, I think, no Quakers or any other dissenters in this parish: the people indeed are ignorant, there being few that can read, and fewer write, even of their justices of peace and vestrymen; yet to me they seemed very serious and well inclined, both in public and private, many of them being very ready to embrace (as far as they could) all opportunities of being instructed. The worst is, that the narrowness of their sense and conceptions occasions many differences and quarrels amongst themselves, for which no man can find any shadow of reason, but their ignorant mistakes of one another's meaning, and upon this account I found these more frequent here than in any other country I have ever travelled.

This precinct was one of the two I attended, and being very large, and divided by the Great Sound and several rivers and branches, was very troublesome; however, I was in all the parts of it, baptized almost a hundred children, distributed those small tracts which were sent over, settled a schoolmaster, and gave some books for the use of scholars, which the churchwardens were to see left for that use, in case the master should remove.

The greatest difficulty I met with was, in some, an obstinate aversion to god-fathers and god-mothers; neither sense or reason could prevail with them: in this, therefore, I bent my strongest endeavors with one or two, who, by their character for sense and sobriety, had some influence over the rest; with whom having prevailed, all were convinced and followed their example; and so they would oftentimes, in any thing else, without examining the cause or troubling themselves for reasons, this being a general rule for their practice in all other cases. However, I am confident they are yet, by the blessing of God on the pious care and prudent conduct of some diligent minister, in a capacity of being made devout Christians and zealous Churchmen; whereas, if they be left alone, the principles (and it is to be feared the practice too) of religion and morality will be, in a short time, quite defaced.

The next precinct is Paquimans, under my care equally with the other. Here is a compact little church, built with more care and expense, and better contrived than that in Chowan; it continues yet unfinished, by reason

of the death of one Major Swan, about September, 1707, who zealously promoted the interests of religion in general, and forwarded, by his continual pains and expense, the building of that church in particular, when there was none in the country. Here is no library or other public books whatever.

The Quakers in this precinct are very numerous, extremely ignorant, insufferably proud and ambitious, and consequently ungovernable: this made my work more difficult than it was in Chowan. They doubled their efforts and contrivances against my endeavors; their meetings amongst themselves were more frequent, and their attacks upon others furious. However, as these things cost me the more pains, so I used the utmost circumspection both in public and private, and if at any time I took occasion to preach against their principles, as now and then I found it necessary, I was as moderate as was possible in my expressions, free from harsh reflections, and always pressed the truth, as much for its own sake as for the Church's which professed it; and this I found had a better effect than the rougher methods which, it seems, had been formerly used with them; for, by such means, and the success of some small favors I showed them in physic, they not only became very civil, but respectful to me in their way, and have many times entertained me at their houses with much freedom and kindness.

This precinct is not so large as Chowan, and, though the roads are worse, the journeys are shorter. Here are twelve vestrymen as in the rest, but most, if not all of them, very ignorant, loose in their lives, and unconcerned as to religion; it was not in my power to get one meeting with them, while I was there, notwithstanding my best endeavors to obtain that favor. Their ill example, and the want of ministers and good books, have occasioned many who were better disposed, through ignorance, to join with the Quakers; being willing to embrace any thing that looks like a religion, rather than have none at all. Yet I am apt to think that some of these poor souls may be regained, several having told me they owed their first departing from the Church to the ill example and imprudent behavior of their ministers; and therefore it seems absolutely necessary that, if any minister be sent thither, he should, if possible, beside an exemplary life and diligent attendance on all the duties of his function, he should be as well read in men as in books, and will find as much if not more occasion for the one than the other.

And as he will meet with unaccountable tempers, so they will require uncommon methods to deal with them, in order to gain credit, and, consequently, an access to their hearts. Here and in Chowan the ways of living are much alike; both are equally destitute of good water, most of that being brackish and muddy; they feed generally upon salt pork, and some-

times upon beef, and their bread of Indian corn, which they are forced for want of mills to beat; and in this they are so careless and uncleanly that there is but little difference between the corn in the horse's manger and the bread on their tables: so that with such provisions and such drink (for they have no beer), in such a hot country, you may easily judge, sir, what a comfortable life a man must lead; not but that the place is capable of better things, were it not overrun with sloth and poverty.

The next precinct is Pasquetank, where as yet there is no church built; the Quakers are here very numerous; the roads are, I think, the worst in the country; but it is closer seated than the others, and better peopled in proportion to its bigness. In their way of living they have much the advantage of the rest, being more industrious, careful, and cleanly; but above all I was surprised to see with what order, decency, and seriousness they performed the public worship, considering how ignorant people are in the other parishes. This they owe to the care of one Mr. Griffin, who came here from some part of the West Indies, and has for three years past lived amongst them, being appointed reader by their vestry, whose diligent and devout example has improved them so far beyond their neighbors, and by his discreet behavior has gained such a good character and esteem, that the Quakers themselves send their children to his school, though he had prayers twice a day at least, and obliged them to their responses, and all the decencies of behavior as well as others. After Mr. Adams was settled here I found it improper for Mr. Griffin to stay, and therefore, notwithstanding the large offers they made him if he would continue, he consented to fix in Chowan, where I left him, having procured for him a small allowance from the vestry; but I am afraid the hardship he will meet with in that part of the country will discourage him, if not force him from thence, though he promised me to hold out as long as he could.

Curratuck is the easternmost precinct, including the Sand Banks and some part of the south side of the Sound: a very incommodious place for damp colds in winter and musquitoes in summer. I never travelled through this parish, so I can give but a very little account of it. They have no church, nor ever had any books sent them. Mr. Adams has at present under his care this precinct and Pasquetank, from whom an account at large may be best expected.

Bath county contains most of that land which lies to the southward of Albemarle Sound to Pamplico River, and about thirty or forty miles more southerly to Neuse River, which (being but lately peopled with a few French who left Virginia) is not laid down in the draft.

They have divided the whole into three precincts or parishes, though the

inhabitants of all are but equal in number to any one of the other, most of which are seated on Pamplico River and its branches. Here is no church, though they have begun to build a town called Bath. It consists of about twelve houses, being the only town in the whole province. They have a small collection of books for a library, which were carried over by the Reverend Doctor Bray, and some land is laid out for a glebe; but no minister would ever stay long in the place, though several have come thither from the West Indies and other plantations in America; and yet I must own, it is not the unpleasantest part of the country,—nay, in all probability it will be the centre of trade, as having the advantage of a better inlet for shipping, and surrounded with most pleasant savannas, very useful for stocks of cattle.

In this as in all other parts of the province, there is no money; every one buys and pays with their commodities, of which corn, pork, pitch, and tar are the chief: pork at 458 per barrel cent.—250 lbs. weight,[1] pitch at 258 per barrel, corn at 250 per bushel, and tar at 152 per barrel, which prices (though fixed by their laws) they can seldom reach for it anywhere else, after considerable expense and risk; so that, by their computation, the difference of their money to sterling is as one to three; and if you buy a plantation there for £300 of their pay, they will much rather take £100 in England.

Thus, sir, I have, in obedience to your commands, given you this plain and, I am sensible, imperfect account of North Carolina, a country but wild and imperfect in its circumstances; and in all I have said to the disadvantage of the people in general, I must beg some exceptions, as few as you please, there being, here and there, a gentleman whose substance, sense in managing, and methods of living, somewhat exceed the rest; but they live at such distances, that, as by their example they have but little influence, so, upon the same account, they can as little contribute to the easiness of a missionary's condition, who is forced to take up with what conveniences he can find not too many miles distant from the churches he is obliged to attend; and this will necessitate any minister who goes over to purchase land, buy servants, build a church, and improve a plantation, before he can live tolerably; which will require more expense than the encouragement given will bear.

If, sir, you think this worth communicating to the honorable society, I leave it to your discretion, and am, sir,

Your very humble and obedient servant,

William Gordon.

[1] Thus in the original.

No. VI.

Mr. Adams to the Secretary.

[EXTRACT.]

[*From MSS. in possession of the Author.*]

Sir:— Virginia, *October* 4, 1709.

I doubt not but Mr. Gordon informed you, by word of mouth, that, when we came hither, we found the government in the hands of such persons as were promoted for God's service and good order, and from whom we met with all reasonable encouragement in the discharge of our mission. But now the case is sadly altered, for the Quakers, alarmed at our arrival, did, in a most tumultuous manner, stir up the ignorant and irreligious, who are by much the greater number in this colony, by bold lies and calumnies against both the government and us; and we are now ruled by such as are generally friends only to drunkenness, irreligious and profane, insomuch that in many places where before I met with all encouragement and civility, I find nothing but reproaches, threatenings, and ill usage; and many, who then seemed zealous and forward, are now turned quite back. Mr. Gordon had experience of these things in some measure before he went over, but now things are carried to far greater extremes. The abuses and contumelies I met with, in my own person, are but small troubles to me in respect of that great grief of hearing the most sacred parts of religion impiously profaned and ridiculed. We had a communion lately, and the looser sort at their drunken revelling spared not to give about their bread and drink in the words of administration, to bring into contempt that most holy sacrament, and in derision of those few persons who then received it; and yet such flagrant crimes, notwithstanding of my complaint to our magistrates, go unpunished and unregarded. We daily expect in our new governor, who, I hope, will set the country again in order and redress our grievances. I pray God he may prove a good man, for upon his disposition will very much depend the further fruit of my mission.

In the precinct of Pascotank, where I chiefly resided last year, are thirteen hundred and thirty-two souls, whereof nine hundred profess themselves of the Church of England, excepting some few Presbyterians, who now constantly join themselves with us in our service, have had their children baptized by me, and are willing to have them brought up in our way of worship. There are about eleven who profess no religion; two hundred

and ten Quakers, and two hundred and eleven negroes, some few of which are instructed in the principles of Christian religion, but their masters will by no means permit them to be baptized, having a false notion that a Christian slave is, by law, free. I have baptized, since I came, between the parishes of Pascotank and Caratauk, two hundred and thirteen children and two adult persons. I have administered the sacrament of the Lord's Supper three times: twice in Pascotank, where I had fourteen communicants; the second time I had twenty-four; and the last time I administered in Caratauk, where I had thirty—the names of all which, housekeepers, communicants, and baptized persons, &c., I have by me in my Notitia Parochialis, according to my instructions.

I have lately lived mostly in Caratauk, but it is a precinct of so large an extent, and so much divided by water, that I have not yet been able to get passages into all the extreme corners of it.

In my next I shall send you an account of that parish, which is not above half as populous as Pascotank, and but one professed Quaker in the whole bounds. Had the government continued as we found it, there had been churches built now; but since the Quakers and their accomplices have got to the helm, all such thoughts are laid aside.

I have not, since I came to the country, received so much as to pay for my diet and lodging, and if I had not drawn bills upon Mr. Hoar, I had been in great want. I have a very laborious mission, the places I preached at being some of them sixty, others above seventy miles distant. I bless the Lord I have had my health well, and I pray God to give me his grace so to direct my ways in this troublesome and unsettled country, as not only to acquit myself with applause to those good men who sent me, but that I may be likewise able to give a comfortable account of my stewardship at that dreadful tribunal where the secrets of all hearts shall be disclosed, which shall be the daily prayer and faithful endeavor of,

Sir, yours, etc.,

James Adams.

I wrote to you formerly of one Mr. Griffin, who had behaved himself very remarkably in the office of a reader and schoolmaster: he has fallen into the sin of fornication, and joined with the Quakers' interest, which has proved a great stumbling-block to many of our persuasion.

No. VII.

Rev. Mr. Adams to the Secretary.

[*From MSS. in possession of the author.*]

Sir :— Carataük, *March* 27, 1710.

In my last I gave you a large account of the sad disorder and confusion of our country, and till authority interposes we are likely to continue in the same deplorable condition. We have long expected our new governor, but now begin to despair of his coming. I have taken particular care to write over, according to my instructions, but have not heard from the society since my arrival in America, which makes me very uneasy, not knowing whether or not my letters have got to your hands. Nothing but my true concern for so many poor souls, scattered abroad as sheep having no shepherd, and my duty to those good men who reposed this trust in me, could have prevailed on me to stay in so barbarous and disorderly a place as this now is, where I have undergone a world of trouble and misery both in body and mind. Had the government continued as Mr. Gordon and I found it, I doubt not but I should have been able to have given a very successful account of my mission; but as long as things continue as they are, I can scarcely have hopes of making proselytes and gaining over that number which, if backed by authority, I, by the grace of God, might probably have done. I have met with so many discouragements (of which my not hearing from you is none of the least), that I intend (please God) next summer or fall, as a passage shall offer, to embark for Great Britain, and shall, I hope, produce such testimonies of my endeavors and behavior in every respect, as shall satisfy you all well of my diligence and fidelity.

We have in this parish of Carataük five hundred and thirty-nine souls, whereof ninety-seven are negroes, one Quaker, and five or six of no professed religion; the rest all join with me in our Church service. I have baptized, this last year, thirty-five children between the precincts of Carataük and Pascotank, and some of Perquimmins. I administered the Lord's Supper Christmas last, and had twenty-seven communicants.

I am, with all respects, sir, yours, etc.,

James Adams.

Rev. Mr. Adams to the Secretary.

[*From MSS. in possession of the author.*]

Sir:— Virginia, *4th September*, 1710.

About a week ago I waited upon the Honorable Mr. Hyde, who was appointed governor of our country; and, as far as I can learn, he thinks it not advisable, as things have happened, to go into North Carolina till he hears again from England; so that God only knows when our distractions are to have an end. Though we be a numerous and considerable body of people, yet we seem to be below the care of the lords proprietors, who, I am afraid, are abused by a misrepresentation of the country, made by the Quakers and their faction, or trust too much to the management of Mr. Danson, a proprietor, of the aforesaid sect, who receives his informations from those of that party, particularly one Porter, a person notoriously infamous, whose practice is, in conjunction with the Quakers' adherents, when they hear of any man going from this country who is not of their interest, to write scandalous lies and calumnies against him to the lords proprietors, to lessen the said person's credit in what he shall say in relation to the state of the country. Thus they served Mr. Gordon and others, and hearing of my intentions for Europe, have probably done the same by me. But I hope the testimonies sent from the two parishes where I have lived ever since my arrival in the country, are sufficient enough to prevent all my enemies from doing me any mischief that way. Mr. Glover has been solicited by worthy persons in Virginia, who pity the lamentable condition our colony has so long been in, to write the state of the country, and dedicate it to the parliament of Great Britain and commissioners of trade; but it is resolved to be silent till he learns the determination of the lords proprietors.

I have lived here in a dismal country about two years and a half, where I have suffered a world of misery and trouble, both in body and mind; I have gone through good report and evil report, and endured as much as any of your missionaries have done before me; wherefore, I humbly pray you, and hope the honorable society will now be pleased to alter my mission to South Carolina, where I doubt not but, by God's assistance, I shall be able to do more good; and whoever succeeds me here will have this advantage, that none of the country will be prejudiced to his person (as all who adhered to the Quakers are to mine); and this, in my opinion, will not conduce a little to the success of his labors. I have lodged above this year past in the house of a planter, an old man, who, before the Quakers got the government

in their hands, was one of our councillors. He has, after his own decease and his wife's, left a considerable legacy for the encouragement of a minister in the parish where he lives, which is as follows, viz.: A very good plantation, upon which he lives, with all the houses and some household furniture, two slaves and their increase forever, together with a stock of cows, sheep, hogs, and horses, with their increase forever; all which, immediately upon the old people's decease, may moderately be valued at £200, and in some years after may prove a moderate living for a minister in itself. The old gentleman's name is Sanderson.

Since my last I have baptized forty persons, whereof six were adult palatines: the number of communicants last Easter was twenty-five.

We have in this precinct about seventy or eighty Indians, many of which understand English tolerably well, but our own distractions have hitherto prevented my thoughts of doing any great matters among them, considering the bad examples we show them.

I understand, by my lord of London's letter, that the society has been pleased to augment my salary, for which I desire to offer my most humble thanks.

I beg you will be pleased to let me hear from you by the first opportunity, and remain with all respect, sir,

Your most humble servant,

JAMES ADAMS.

No. VIII.

COLONEL GLOVER TO THE SOCIETY FOR PROPAGATING THE GOSPEL.

[*From MSS. belonging to the author.*]

NORTH CAROLINA, *August* 30, 1710.

MAY IT PLEASE YOUR LORDSHIPS:—

Although the trouble and confusion this unhappy country has labored under, ever since the arrival of your lordships' reverend missionaries, has compelled me to retire from all public employments; and the poor return we are able to make for your lordships' pious care and charitable expenses, admonisheth me to lay my hand upon my mouth and keep silent till the lords proprietors shall, by their prudent care, have restored order and justice among us, under the influence of which we hope, by God's grace, to bring forth better fruit,—although, I say, these considerations had discouraged me from making any application until I could have presented your

lordships with a fairer prospect of affairs, yet, the inclosed papers being put into my hands, I held myself bound to present them to your lordships, and join with the subscribers in the character they give of the Reverend Mr. Adams, and in which I am sure all persons who have any respect either to religion or loyalty do heartily concur. I will not enter into a relation of the success his labors have had; as to that, his reverend successor will not, as I think he is in justice bound not to be, be silent. And for the difficulties he has met with, he has waded through them under the vigilant eyes of the malicious enemies, without committing any thing unbecoming a minister of our Lord and Saviour Jesus Christ. What is further necessary, he is himself able, by word, to supply, if any thing be wanting in the account he has already given by writing, wherein I know he has neither neglected opportunity nor spared cost or pains.

These papers ought to have come under the public seal, but that being forcibly detained in the hands of those who are professed enemies of the Church as well as to all good order, it could not be procured on this occasion: being able, therefore, to give them no greater confirmation, I humbly present them to your lordships' noble bounty to this poor country, and therein especially to your lordships'

Most obliged and humble servant,

WILLIAM GLOVER, *President.*

No. IX.

REV. MR. DENNIS TO THE SECRETARY.

[EXTRACT.]

[*From MSS. belonging to the author.*]

GOOSE CREEK, *September* 3, 1711.

SIR:—

I met nothing worthy remark till I got into North Carolina, being the 26th, which is distant about a hundred and some odd miles, where I found the people all in confusion and disorder, every one getting their arms, and were in a readiness to go down to a place called Pamplico to take one Colonel Cary who was late president, and had got the Lord's money in his hands, and would neither lodge it in the Assembly's hands, nor give them sufficient security for the indemnifying the people from the lords. This put me to a stand whether I had best proceed through such a disorderly country as I perceived that was, or else to go back; but, desiring God's protec-

tion and blessing, I resolved to put forward; so sending my horses and guide back, I crossed Roanoke River, and then was obliged to travel six miles on foot, there being no such thing as a horse to be had: at length I got one, and that night reached Governor Hyde's, where I found abundance of men in arms. I was received very kindly, and after the governor had perused a letter from the Honorable Governor Spotswood of Virginia (which was in my behalf), he told me he was designed to Pamplico the morrow, and that there was opportunity for my passage for South Carolina. The next day, being Monday 27th, the governor, with about eighty men, crossed the Sound and went up the river Moretto [Moratoc] about twelve miles, and there landed his men, which were there increased to about one hundred and fifty, but left his guns there. We were all obliged to lie in the woods that night, and the next day got to Pamplico (otherwise called Hampton), the place where Colonel Cary lived; but he, having notice of our coming, made his escape to a house of one Colonel Daniels, which was a small way down the river. The governor did not think fit to pursue him that day, but on the next, went down with his men, at which time Colonel Cary had fortified the house with five pieces of cannon, and had about forty men; they could not bring him to any terms that was reasonable, and finding they were so well fortified, marched back again without any action. There was a young gentleman, a relation of Governor Hyde, killed by accident. June the 1st, the governor, with his men, marched up the country again, and I remained at Hampton waiting for my passage, the vessel being not then ready; during my stay here I lodged at one Major Gale's, a very civil gentleman, at whose house the people met each Sunday, where a young gentleman, a lawyer, was appointed to read prayers and a sermon, they having no minister. I understood they had a gentleman sent them by the honorable society, but he could not live among such an unaccountable sort of people, and was removed up in the country. Colonel Cary, finding the governor gone, infused into the people that that Assembly was not duly elected, and that Governor Hyde was not governor, having no commission sent him, and therefore he could not comply with their demand; and one Mr. Roach, a merchant, which are proprietors, backing the said Colonel Cary, with assuring the people that Colonel Hyde was not designed governor, raised the affections of the people toward Colonel Cary, and incensed them against Governor Hyde, Colonel Pollock, and other gentlemen of the governor's council; what the end will be I know not, being obliged away from this place.

My reason for insisting so long on this subject is to let you see partly the management of this country, the inconstancy and unaccountableness of this

people, who are of such a factious temper, that they are ready to follow any one that will head them, let the design be what it will; and all is purely for want of sense and reason. I really think there cannot be a people in the world like them; indeed the country is good, pleasant, and fruitful, and if inhabited with honest and industrious people, would exceed all the places I have yet seen.

Sir, yours, etc.,

BENJAMIN DENNIS.

No. X.

EXTRACTS FROM THE MINUTE-BOOK OF "FRIENDS," OR QUAKERS, IN ALBEMARLE. 1702–1729.

MARRIAGE.

1702.—At a monthly meeting, etc., "Robert White and Tabitha Alford declared their intentions of taking each other in marriage; it being the first time, Friends appoint Thomas Symons and Caleb Bundy to inspect into their clearness, and to make report to the next monthly meeting."

1702.—"Robert White and Tabitha Alford declared their intention of marriage before the meeting the second time: the Friends appointed to make inquiry, make report that they have so done, and find nothing to the contrary but that they are clear; therefore, Friends leave them to their liberty to take each other in the order of truth."

1705.—"Jeremiah Symons, jr., and Rachel Root appeared the second time, and laid their intentions of marriage: the Friends appointed bring in a clear account; therefore, Friends leave them to their liberty to take each other in the order of truth."

1707.—"Christopher Nicholson and Mary Pool appeared before this meeting the second time, and declared their intention of taking each other in marriage. The said Christopher having obtained a certificate from the monthly meeting of Pequimans, is thereby found clear of all other women, in relation to marriage; also the said Mary Pool being found clear of marriage intanglements with any other man, are now left to their liberty to take each other."

1708.—"There was a complaint brought against Edward Mayo, for attempting to marry with a woman which is not of our society, contrary to the known practice of Friends: wherefore it is the judgment of Friends, that the said Edward shall publicly condemn his unseemly action by a paper from under his hand, and have it read in next monthly meeting."

1712.—"Henry Keaton and Elizabeth Scott (widow) appeared and declared their intention of marriage: it being the first time, Friends appoint," etc., etc., "to see that the fatherless children have their due of their father's estate, also that Henry Keaton give security for the same."

1712.—"Friends take notice that John Turner and Esther Belman had not appeared to declare their intention of marriage the second time, according to the good order used among Friends, appoint John Symons to inquire into the cause thereof."

1712.—"The Friend appointed upon account of John Turner and Esther Belman makes report he hath so done; and the said Friends appearing, desired that they might be clear from each other. Friends desired them to be careful not to do the like any more."

1716.—"A paper of condemnation was read against the ill proceedings of Grace Cartwright and her daughter, in consenting to her marriage from among Friends, contrary to the truth; and is ordered to be published next monthly meeting."

1716.—"The Friends appointed have visited Joseph Jordan, concerning his giving way to one not of our society to marry his daughter, which he denies, and says that he will never give assent to it."

1716.—"—— declared their intentions of marriage the second time. Friends leave them to their liberty," etc., etc.; "and appoint Benjamin Pritchard and Edward Mayo to see that Friends behave orderly at the said marriage, and to make report."

1719.—"—— taking into their consideration the unjustifiable marriage of Robert White and Rebecca Overman, in going from amongst Friends, and contrary to the advice of Friends, and marrying, notwithstanding were

timely advised in Christian love; but they, not regarding it, but gave way to the enemy of their souls, so as to join in marriage as aforesaid; because Friends could not allow of such a marriage among them, by reason he, the said Robert White, hath a former wife living, although she hath left him and gone away with another man above these seven years past; but, although it is so, we cannot join with it."

1719.—"The Friends appointed to attend the marriage of James Newby and Elizabeth Davis, make report that they were present at the aforesaid marriage, and that things were managed in good order and according to truth."

1721.—"Under a religious concern for the prosperity of Friends, this meeting finds it necessary to advise some that have married among us, to walk more circumspectly, that they may not give occasion for the blessed truth to be evil spoken of by their misconduct."

1721-22.—"Friends do continue their care over William Chancey, concerning his outgoing from truth, by way of suit or courtship to a woman that is not of our society; therefore, if any Friend hath a concern upon his mind to advise with him in the aforesaid affair, they are desired to bring their report to the next monthly meeting."

1722.—"John Morris and Christopher Nicholson are appointed to attend the said marriage, as governors of the marriage feast, and see that things are managed in decency and good order, and bring report to next monthly meeting."

1725.—"William Symons and Betty Morris appeared and declared their intentions of marriage the first time. Several Friends judging it to be within the degrees of consanguinity (the said Betty being the said William's father's brother's daughter's daughter). As some Friends construed or imagined that the said couple come within the fourth degree of consanguinity, advised against in our queries relating to good order and Church discipline, composed by our friends in Great Britain, wherefore some Friends showed their dislike; but it is referred to next monthly meeting."

1725.—[Report made.] "Several Friends objected against them as being

within the fourth degree of consanguinity, according to Friends' former advice: therefore could not consent thereto."

1729.—"Orders that when any Friends are about to lay their intentions of marriage before the monthly meeting, that they acquaint some of the elders of the meeting the first day before the monthly meeting, and some few days before, that things may be done decently and in good order, and not at a surprise or *un*-plus."

Taking Oaths.

1711.—"Also at this meeting, William Everegin acquaints Friends that Augustin Scarbrough would take the oath, which is contrary to Friends' principles: therefore Friends appoint John Symons, William Everegin, and Benjamin Pritchard to visit him and know the truth thereof, and to bring his answer to next monthly meeting."

1711.—"The Friends appointed to visit Augustin Scarbrough, make report that he is of the same mind concerning swearing: it is the judgment of this meeting that he ought to be disowned, and appoints the same Friends to draw a few lines to that purpose."

1712.—"Also this meeting having under consideration the scandal that Ostian [Austin] Scarbrough hath brought upon the blessed truth professed by us and himself, in that he hath, contrary to our principle, and the doctrine of our blessed Lord, 'Swear not at all,' taken the oath appointed by law; wherefore Friends, in tenderness to him, and for the clearing of our holy profession, think proper to appoint Thomas Symons and Henry Keaton to visit him, and to admonish him to own his fault and repent, or else we cannot own him as a member of our society."

— "Also William Everegin acquaints this meeting that Ephraim Overman denies himself to be a Quaker, publicly confessing that he walks not according to the good order used among Friends: therefore the meeting appoints Matthew Pritchard and Edward Mayo to visit him."

Erection of Meeting-houses.

1703.—1st of 3d month. "It is agreed by Friends that a meeting-

house shall be built at Pasquotank with as much speed as can be, and it is left to the said meeting to consider the time and place."

1705.—"It is also concluded by the meeting, that a meeting-house be built at the charge of Friends belonging to Pasquotank, upon the plantation of Joseph Jordan; also to make a substantial bridge over the Little Creek, and to maintain it."

1706.—"Caleb Bundy requested the approbation of the said meeting concerning the building of a meeting-house between his house and Wm. Brothers' Creek; to which Friends unanimously assent that it should be left to the discretion of the said Caleb Bundy, Stephen Scott, and Henry Keton to choose a proper place, and also to go through with the building the said meeting-house."

Private Quarrels.

1704.—"Friends meet as their manner is, etc. Whereas, there appears to be a difference between Joseph Jordan and Mary Clark, Friends taking the same into consideration, appoint three men to discourse with Joseph Jordan, and make their report to the next monthly meeting."

1704.—"Friends receiving the report of the three Friends, viz., Thomas Symons, James Davis, and John Symons, who were appointed by the last monthly meeting to visit Joseph Jordan, which is, that the said Joseph Jordan doth not seem sorry for what he hath done; nevertheless, Friends, in tenderness toward him, do appoint James Tooke and Thomas Symons to visit him again, and to bring their report to the next monthly meeting."

1709–10.—"There appearing before this meeting some difference between Ann Symons, senior, and Peter, the meeting desired Caleb Bundy and Edward Mayo to discourse her, and she appeared before them and gave scurrilous language, wherefore Friends ordered that a paper should be written against her."

1710.—"Friends taking into consideration the repeated differences and calumniations amongst the two families, viz., Jeremiah Symons and Rebecca, and all other persons whatsoever, do unanimously constitute and order that

if any, professing truth, shall at any time hereafter make any repetition of any differences that heretofore have happened amongst Friends, of what rank or quality soever, that the said person or persons so offending shall be *disowned*, in case they refuse to submit and condemn their said disorders."

1711.—"The case of Jeremiah Symons was considered of, and it is the judgment of this meeting that he be denied the unity of Friends, and Friends appoint William Everegin and Benjamin Pritchard to prepare a few lines for that purpose."

1727-28.—"At said meeting appeared a complaint against William Symons, who assaulted John Belman upon the highway,—grossly beat and abused him; which rash and unadvised usage, Friends, *in a general way*, give judgment against."

DISCIPLINE.

1704.—"Also it is the general mind of this meeting, that Stephen Scott do bring a paper of his condemnation to the next monthly meeting, and also publish it at the court-house door, in full of all he hath done."

1708.—"Edward Mayo hath brought a paper of self-condemnation, and it was read publicly, which is as followeth:

"DEAR FRIENDS:—Through the instigation of the enemy, and for want of watchfulness, I did let out my mind and make suit to the widow Gormack by way of courtship, contrary to the good and wholesome order settled among Friends; it being too soon after the death of her husband and the death of my wife. Therefore I am heartily sorry I should cause the blessed truth to be evilly spoken of by evil-minded people, and do condemn this my forward action and indecent procedure in this matter. I am sensible it was for want of keeping to the conduct of the Spirit of God in me, the which I hope I shall for the time to come be more careful to mind, and to wait upon the Lord to know and do his will in all my concerns. I have in some measure an assured hope the Lord hath passed by this my offence; hoping also that you that are in any measure sensible of the many temptations and infirmities of the flesh will pass by my offence toward you. I have naught else, but conclude and remain your friend,

"EDWARD MAYO."

1708.—"The Friends appointed for that end have with much patience and love admonished Jeremiah Symons to acknowledge and condemn his disorderly action; but all they could do was to no purpose. The meeting likewise endeavored by all means possible they could to reclaim him; but he still refused to comply. Wherefore, it is the judgment of this meeting he shall be *disowned*. Some particulars not being well satisfied, Friends have thought good to refer it to next monthly meeting.—Also, at the same meeting, William Chaney, who professes to be a member of our society, did in a very immodest and disorderly manner reflect upon the whole meeting, calling us all *liars;* wherefore, the meeting, willing to take some care of him, have appointed Caleb Bundy and John Symons to discourse with him concerning his abuse, and acquaint the next monthly meeting how they find him the said William Chaney to stand affected."

1708–9.—"—— visited him in much love, and patiently admonished him to condemn his disorderly action; but all they could do did not in the least penetrate his hard heart, but still refused to submit, and contrarywise reflected upon Friends: wherefore this meeting *disowns* the said Jeremiah Symons, junior, from being a member of our society, and not having any unity with him as such until he return by unfeigned repentance."

1709–10.—"Whereas Emanuel Low did, through the instigation of the enemy and giving way to passion, in a public place, through provocation of a person drawing his sword upon him, offer to fight or resist, contrary to our profession, being dealt with by the overseers, appeared at this meeting, and after some discourse with him, did acknowledge his fault, hoping to never do the like again."

1709–10.—"It also appeared to this meeting that Peter Symons, at a court at Pasquotank, was a little overtaken in drink, the which he acknowledged before this meeting, and that he was sorry for it, hoping to take more care for the time to come."

At the aforesaid meeting, the 16th of 12th month, 1709–10, the following paper was read, viz.: "To all whom this may concern: Whereas I, Augustin Scarbrough, was convinced of the truth of God professed among the people called Quakers, and walked amongst them; yet, not minding the light of Christ professed by them to be a leader and a guide to preserve against the pollutions of the devil (if we rightly mind the convictions of it),

for want of which I do freely acknowledge I have been many times overtaken with drink, and uttered many foul and filthy expressions, and behaved myself unseemly with women, contrary to the light professed among us; and that I have not kept to the plain language, as I ought to have done: for all which I am heartily sorry, and do desire that the Lord would be pleased to pass by my many offences, and that I may be in unity with you his people. Witness my hand,

"AUGUSTIN SCARBROUGH."

Ordered, that Ben. Pritchard and Wm. Everegin visit Augustin Scarbrough.

1714.—"A diligent care resting on the minds of faithful Friends for keeping up the wholesome discipline, the case of Edmund Chancey's giving his bill for the £5 imposed on him and other Friends, by way of a fine for not going to war with carnal weapons against the Indians, comes under Friends' solid consideration; who, notwithstanding Friends' tender care over him from time to time, seemed to be under the same cloud of ignorance, which was matter of grief to honest Friends. But at this meeting the said Edmund Chancey, when asked, as at other times, answered as followeth, or to this effect: 'I am sorry that I have so done, for truth's account, or contrary to the truth;' which was all that Friends ever desired, to let him see that he had gone or done contrary to the blessed truth; and further, he saith that if he has cast any reflections on any that are unworthy of it, he is sorry for the same: which Friends are pretty well satisfied he did; but, notwithstanding, such are willing and ready to pass by such an offence, hoping that the offender is thoroughly tender and heartily enlightened and convinced of his weakness.

"Signed by me, EDMUND CHANCEY."

1725.—"It is advised that all Friends be careful of joining with such who have justly deserved to be excluded or rejected the meeting's fellowship, and the testimony of truth is gone against."

ATTENDING MEETINGS.

1705.—"Also, Friends having under consideration the ill-conveniency that doth attend Friends being too late in coming to public meetings, therefore Friends do appoint to meet between the hours of ten and eleven o'clock."

Deportment in Meeting.

1726.—"Advised that Friends be careful and watch against sleep and drowsiness in time of worship, which is very dishonorable; but endeavor to answer the end of our meeting together (which is to worship God)."

1727.—"Advised to a diligent attending of weekly and monthly meetings, endeavoring as much as in them lies, to keep out of sleep or drowsiness in time of religious worship; wait sincerely upon the Lord, in that ability that he giveth."

Violating Allegiance.

1712.—"A complaint against Emanuel Low for accusing Ann Henley of stealing several things from him. Also some complaint against him *touching government*."

General Deportment.

1726.—"And Friends advised to keep out of the excess of meats, drinks, and apparel, and smoking and chewing tobacco."

1727.—"At the said meeting it was tenderly advised that they take care how they behave themselves when they are in company with those that are not of our society."

Orphans.

1716.—"Some relief is wanting to one of Elizabeth Keaton's fatherless children, which, coming under consideration at this time, care is taken for its relief."

1716.—"Friends have agreed to make a collection for the support of the above-mentioned child."

Record of Sufferings.

1713.—"This meeting's judgment is, that all Friends that do suffer upon truth's account, either for not bearing arms or refusing to pay parish levies toward the support of the churches, so called, to keep a true account of the

sum they suffer, and the day distress is made, and render the same either to John Symons or Joseph Gloster."

1720.—"It is advised that all Friends should bring in a just account of their sufferings (as near as possible they can) on account of parish dues or the hired maintenance of their national priest or readers, or repairing their houses, called churches."

1724.—"Friends being under some trial and concern about parish dues, or the hired maintenance of the hireling readers, it is advised in this meeting that Friends keep faithful in that branch of their testimony against the anti-Christian yoke of tithes."

1725.—"It is advised that Friends and brethren continue their faithful testimony against the anti-Christian oppression of tithes, and likewise be careful to keep out of drowsiness in meetings."

1728.—"Friends are advised to take care and bring in their accounts of sufferings on account of tithes, the next monthly meeting."

Fighting the Enemy.

1711.—"The Friends appointed to visit Ephraim Overman have discoursed him concerning his forwardness in assisting the soldiers to defend himself and them, with carnal weapons, contrary to our known principles; the which, after further consideration, he acknowledged to be an error in him," etc.

1713.—"A report that Edmund Chancey had given his bill for the five pounds demanded of Friends to support the Indian war; the overseers were advised to make inquiry into the truth thereof, and make report," etc.

1714.—"The case of Edmund Chancey, concerning his giving his bill for the £5 aforesaid, which he says he has done no harm in, and never shall be convinced to the contrary; which Friends cannot approve of as satisfaction for his so offending. Wherefore Friends judge the aforesaid disorder, together with several other abuses and falsehoods in him, worthy of a denial."

Ministry.

1706.—"It is also concluded by this meeting that there be a meeting appointed for public Friends of the *ministry* four times in a year, viz., the morning before the meeting of business."

Going to Law.

1708.—"Also there appearing some disorder in Jeremiah Symons, junior, in taking a warrant for Joseph Jordan, the inspector having been with him and tenderly admonished him to give some satisfaction for his disorderly action, but he refused to comply with them as appears to the meeting, who, in love and good-will to him, have appointed other two Friends to visit him, viz., and discourse him further, and acquaint the next monthly meeting with what he is willing to do."

1717.—"James Tooke complains against Caleb Bundy, and saith that he stands justly indebted to him in a considerable sum of money, and that he will not render it to him no ways according to the agreement between them; but Caleb Bundy replied it was out of order to speak of it in the public meeting, before the said James Took had given him gospel order. The meeting granted it was so."

1717.—"James Tooke renewed his complaint, and said that he was not only kept out of his money, but otherwise is damnified by the said Caleb Bundy, and deceived, that he might have his money paid in specie, or secured to be paid at some convenient time as they should agree upon, and offered to take John Bundy, as he was in the meeting then present, or *that he might have his liberty to sue for it:* the meeting would not yet grant that, but desire James to exercise his patience a little longer, desiring the Friends appointed to give him one visit more, and John Bundy to speak with his father to desire him to comply.

"The said Friends went to the said Caleb Bundy according to the request of the said meeting, and in much love entreated him to comply as aforesaid, which they thought truth and justice should oblige him to do. But he refusing, said he would not come under any bond, but said he would pay the money, but did not, but behaved himself very unseemly toward them, not like a Friend: so the said Friends returned, being greatly grieved."

1717.—"Caleb Bundy not appearing, Friends unanimously were grieved to see that one who had long made profession of the truth should be so

stubborn. James Tooke urged to have his liberty to use such just ways and means as he thought convenient to recover his debt and damages. Therefore Friends think that they cannot deny him that liberty, and order that a paper be drawn up against the said Caleb Bundy to deny him the unity of Friends, except he do comply in the mean time, which is the earnest desire of this meeting, that he may be heartily sorry for his so offending, and may be disposed to do justice to his said creditor, both for his own and his family's sake."

1718.—"A difference appearing between John Henley and John Bundy, which was under consideration, but by the request of John Bundy it is referred to the next monthly meeting, and then, if either of the said parties refuse to stand to the judgment of Friends, the other may have the liberty to take legal means for the recovery of his right, and Friends disown the party refusing."

1718.—"Friends to deal with John Bundy for his disorder in going for a warrant to be served upon any, or to search the houses of any that are in the unity of Friends."

Brethren Abroad.

1713.—"William and Mary Hayes' certificate *from Antigua* was read and approved of."

1715.—"An epistle from *London* was read."

1719.—"Epistles also from England were read at this meeting."

1721.—"Our esteemed Friends, John Fothergill and Lawrence King, from *Yorkshire in Great Britain*, were at this meeting, on a religious visit in a ministerial way, amongst us."

1722.—Our worthy Friends, Elizabeth Lewis and James Fen, from Pennsylvania, being on a religious visit, and in the service of truth in a ministerial way, was at said meeting, whose visit was very acceptable and serviceable."

1723.—"Our well-esteemed Friends, Susanna Morris and Ann Roberts, being on a religious visit in the vicinity, were at said meeting; who came from Pennsylvania."

1723.—"Our well-esteemed Friend, Benjamin Kid, from *Old England*, in the service of the gospel, visited us, and was at said meeting, whose visit was well accepted by us."

No. XI.

Baron de Graffenreid to the Lord-bishop of London.

[*From MSS. belonging to the author.*]

From New Bern, in North Carolina, 20*th April*, 1711.

My good and excellent Lord :—

The misfortune I met with in all being unexpectedly hurried away from London to New Castle to meet my Swissers, in order to transport them into North Carolina after those six hundred and fifty palatines I had sent before, which unlooked arrival of them so far north, gave me notice to pay my duty to your lordship, whom then, I was told, was neither in London nor at Fulham. I can assure your lordship no person of any rank is unacquainted with that great and good character your lordship has, and merits. So I can make no excuse on that behalf, but heartily beg pardon, and at the same time humbly request your lordship to accept of me and my people, and receive us into your Church, under your lordship's patronage, and we shall esteem ourselves happy sons of a better stock; and I hope we shall always behave ourselves as becomes members of the Church of England, and dutiful children of so pious and indulgent a father as your lordship is to all under your care, in all obedience; craving your lordship's blessing to me and my countrymen here, I make bold to subscribe,

My lord, yours, etc.,

C. De Graffenreid.

The Bishop of London to the Secretary.

[extract.]

Sir :— Fulham, 12*th January*, 1711–12.

As to the letter of Baron Graffenreid, whereby you may perceive that they are all ready to conform to the Church of England: if the society will be pleased to allow a stipend for a chaplain to read Common Prayers in High Dutch, I will endeavor to provide one so soon as I have their resolution, which I would willingly hear so soon as possible, that I may send him over with Mr. Rainsford. I am, sir, yours, etc.,

H. London.

No. XII.

LETTER FROM THE REV. MILES GALE, RECTOR OF KIGHLEY, TO THE ARCHBISHOP OF YORK.

[*From MSS. in possession of the author.*]

MY LORD :— FROM KIGHLEY, IN CRAVEN, *August* 26, 1712.

I am informed by letters from my eldest son, Mr. Gale [the chief-justice], who has been an inhabitant of North Carolina these eight years, and borne several offices in that unsettled government, that the religion of that country is at a very low ebb, and that little stock carried over, in danger to be totally lost without speedy care of sending ministers to teach the word of truth.

That North Carolina has been inhabited by the English eighteen years, and in all that space they have had but one clergyman, and he left them for want of encouragement; and that for these last eight years they have had none; so that all the children under that age remain unbaptized, of which many have been cut off by a late massacre. The unhappy divisions among the English into parties, encouraged two sorts of Indians, the Corees and the Tuscaroras, to come down upon them and cut off about two hundred, the rest securing themselves in small garrisons made of private houses. According to my son's request, I hereby present your grace with the present sad circumstances of that fine and fruitful country, not doubting of your assistance in so pious a work as the establishment of Christianity in a heathenish country. That your grace may live long to God's glory, the world's good, and your own happiness, is the hearty prayer of

Your most obedient and humble servant,

MILES GALE.

No. XIII.

EXTRACTS FROM THE REV. MR. URMSTON'S LETTER TO THE SECRETARY.

[*From MSS. in the possession of the author.*]

HON. SIR:— NORTH CAROLINA, *July* 7, 1711.

I have hitherto supplied three precincts, viz., Chowan, Perquimans, and Pascotank, which are very remote from one another; the most south-

erly place I preached at is above seventy miles distant from the most northerly: this hath been my circuit for the last year passed, without any omission on my side. If I ever failed of officiating on the day appointed, it was for the want of a passage; so long as I was on terra firma, neither the badness of the roads, broken bridges over dangerous places, wet or cold weather in winter, nor the excessive heat, even too stifling in the woods for want of air, ever caused me to disappoint a congregation, albeit they have often failed to meet me: everybody would have a church by his own door every Sunday, or not at all. The whole precinct can never meet at one place, but must have five or six meetings in each, except they had more zeal for churches: they might be so fixed as that all might meet in a few hours, either by land or water, except bad weather, or contrary winds prevented; they will not willingly come to weekly lecture. In regard to Pascotank, it is very numerous—many Quakers, and too many loose, disorderly professors of the Christian religion, a very factious, mutinous, and rebellious people, most of them allied to the Quakers, and at all times at their beck ready to oppose either Church or State, if required by them, whence arise all these troubles for the three years past.

The Assembly was made up of a strange mixture of men of various opinions and inclinations,—a few Churchmen, many Presbyterians, Independents, but most, *anythingarians;* some out of principle, others out of hopes of power and authority in the government, to the end that they might lord it over their neighbors: all conspired to act answerable to the desire of the president and council. I was at this solemn meeting a great part of the time they sat. I preached twice before them, procured a proclamation for a general fast, which was kept on Good Friday, which otherwise would not have been observed any more than any other day. I administered the holy sacrament of the Lord's Supper there, and did all I could, both in public and private discourse, to excite them to use their endeavors to establish the Church. Accordingly, they made a very good and proper act to that end, which was to this effect: that the worship of God, and our most holy religion, as by law established in England, should be put in practice and observed here in all particulars, as far forth as is compatible with the circumstances of the people.

The Quakers have three meeting-houses in that and as many in the next precinct, whereas we have neither church nor chapel in three of the precincts; and those two we have in Chowan and Perquimans were never furnished, and are ready to drop down: that in the former precinct had

neither floor nor seats, only a few loose benches upon the sand; the key being lost, the door stood open ever since I came into the country: all the hogs and cattle flee thither for shade in summer and warmth in winter.

No. XIV.

Extracts from the Rev. Mr. Rainsford's Letter to John Chamberlain, Esq., Secretary of the Society.

[*From MSS. in possession of the author.*]

Chowan, in North Carolina, *July* 25, 1712.

Mr. Urmston and I, by a mutual agreement, with the approbation of the governor, are to manage after this manner. He proposes to supply the north shore at the lower end of Chowan, together with all Pascotank, provided I take care of the west shore (where there is no church, but a vast tract of land to ride over, and in every instance very fatiguing); which I promised to do, till I hear further from the society. But, since the whole country is entitled to my labors, I visited his shore, which, I am sorry to say, has been a long time neglected. Mr. Urmston is lame, and says he cannot do now what he formerly has done; but this lazy distemper has seized him, by what I hear, ever since his coming to the country. I shall give you a faithful account of his proceedings and management, as I desire he may do of mine, that either of us, according to the merit or demerit of our performances, by the society may be valued or disesteemed. There is a small chapel near an old Indian town, where I preached at, June 15th; had vast crowds come to hear me, but I observed they expressed very little, or rather no devotion, in time of divine service. That day and the day following, I baptized seventeen children, four of them eleven years old, nine of them six, and the other four, three; and when I told Mr. Urmston of the neglect, he excused himself by saying that he never had notice of their having children there unbaptized. June 22d, I preached at one Mr. Garrat's, in the upper end of Chowan, but had such numbers that I was obliged to go under a large mulberry-tree, where most of the people, to my great satisfaction, seemed very devout the whole time of service, and very ready in their responses, as in their method of singing praises to God. Here I baptized two girls of the age of sixteen, and one boy of ten, children of one Mr. Adams, and by much importunity prevailed on Mr. Martin to let me baptize three of his negroes, two women and a boy. * * *

I had several conferences with one Thomas Hoyler, king of the Chowan Indians, who seems very inclinable to embrace Christianity, and proposes to send his son to school to Sarum, to have him taught to read and write by way of foundation, in order to a further proficiency for the reception of Christianity. I readily offered my service to instruct him myself, and having the opportunity, to send him to Mr. Garrat's, where I lodge, being but three miles distant from his town. But he modestly declined it, for the present, till a general peace was concluded between the Indians and Christians. I found he had some notions of Noah's flood, which he came to the knowledge of and expressed himself after this manner: "My father told me—I tell my son." But I hope in a little time to give the society a better account of him, as well as of those peaceable Indians under his command. There is one Mr. Mashburn who keeps a school at Sarum on the frontiers of Virginia, between the two governments, and neighboring upon two Indian towns, who, I find by him, highly deserves encouragement, and could heartily wish the society would take it into consideration, and be pleased to allow him a salary for the good services he has done and may do for the future. What children he has under his care can both write and read very distinctly, and gave before me such an account of the grounds and principles of the Christian religion that strangely surprised me to hear it. The man, upon a small income, would teach the Indian children gratis (whose parents are now willing to send them, could they but pay for their schooling), as he would those of our English families, had he but a fixed dependency for so doing; and what advantage would this be to private families in particular, and the whole colony in general, is easy to determine.

Extract of the Rev. Mr. Rainsford's Letter to the Secretary.

Chowan, North Carolina, *February* 17, 1712–13.

Mr. Urmston has bought a plantation on the confines of Virginia, and lives to his satisfaction, on the plentiful income of what the society allows him, were it in his power to do the society the services they might expect; yet he has so exposed himself to popular hatred by his wretched way of begging and other indiscretions I am unwilling to mention, that no single person in the government will attend his appointment, on the score of his selfish principle.

No. XV.

Extracts from the Minutes of the Governor and Council.

[*From the originals in the office of the Secretary of State.*]

November 5, 1712.

Whereas we are informed by the Rev. Mr. John Urmston, that Mr. Richard French has and does take upon himself to administer the Holy Sacrament of Baptism, and to marry persons without being duly qualified for the same:

It is ordered by this Board, that the provost marshal do summons the said Richard French to appear at the next council, to be holden at Captain Acklefield's, on the 3d day of the next general court, to answer to the said complaint, and that he forbid the same French to marry or baptize any persons in the mean while.

NARRATIVE.

CHAPTER V.

RELIGION AND LEARNING.

It has long been a prevalent opinion that in the earliest portion of our history, the inhabitants of North Carolina lived in a state little short of downright heathenism. That there was a lamentable deficiency of piety and spiritual instruction is, indeed, but too true; still, it is not exactly correct to say that there was *no* religion in the province.

The early settlement of Albemarle, by runagates from Virginia, before Albemarle was part of North Carolina, doubtless introduced into the country many, who, from bad education and vicious habits, could hardly be expected to prove ornaments to Christianity. And yet we have reason to think that, even from the beginning, there were to be found *some* good men who had not entirely forgotten their religious obligations. We think that some truly pious men among the Quakers were driven into Carolina by Sir William Berkeley of Virginia; and there were also Church of England men, among the early settlers, who feared God, and earnestly strove to cause Him to be duly reverenced and worshipped. The community consisted almost entirely of those who professed to be either Churchmen or Quakers, and we will speak of them in order.

The Church of England.

At the period of the Revolution of 1688, which placed William and Mary on the throne of England, the established church of the kingdom had scarce an existence in the American colonies. Indeed, the circumstances under which most of these colonies were

settled, were not particularly favorable to the cultivation and growth of any religion at all. The first inhabitants were Europeans, from different countries; private adventurers, unlike in language, habits, and creeds in the old world, the English, French, Dutch, Swedes, Germans, all poured their early contributions into America. They came, for the most part, poor; and their purpose in coming was to make themselves rich: they were surrounded by dangers and troubles novel in character, and they wanted both experience and means wherewith to overcome them. Uncertain of ultimate success, and worse still, uncertain of each other, they cohered not from religious sympathy, a common, cheering faith in the protecting care of a benevolent Father of all, a common creed, a common thankfulness; but rather, from the felt necessities and mutual dependence of their exiled condition, far away, and probably forever, from the loves and hopes which clustered in crowds upon their memories, as they mournfully recalled the associations of their happier childhood. In New England, indeed, they had made religion and government the same thing, adopted the law of Moses as the common law of the land, and extemporized a theocracy, without a Theos; that is, without any revelation of God's special selection of them as his elect, whom he would rule himself. It was a harsh system, and, as we think, injudicious: but austere as it was, it would be most unjust, nay wicked, not to admit that the native sweetness and gentleness of Christianity, tempered, in numerous instances, the rough and repulsive severity of mistaken bigotry; and we rejoice to think that, in many individuals, there was a piety so deep, so fervent, and so humble, that its blessed possessors could enjoy secret and comfortable communings of spirit with God; and hold it no heresy to prefer such holy meditations to shouting at the heels of the Mathers when they rose up, in their displeasure, to "smite Jerusalem with a curse." The existence of such private Christians stands out as the redeeming feature in the early ecclesiastical history of New England. Her Christianity was less in her spiritual leaders, than in the lives of some of their followers. So also, in the colonies out of New England, there probably was not one in which might not have been found some very sincere Christians, who felt deeply their desolation in things spiritual.

But still the fact is not to be disguised, that in Carolina the state of religion was at a very low ebb. Many who came early brought with them but little sense of Christianity; and in the absence of ministers, churches, and schools, their children naturally enough grew up with less: for Christian truth is not made known by human instincts, but is matter of revelation,—it must be *taught* to men.

But still (and let us thank God for it), careless and indifferent as were these poor colonial wanderers from the better things they once knew, the Christians of England did not entirely forget *their* responsibilities to CHRIST and to them.

During the government of Cromwell, a corporation was formed for the purpose of sending to the colonies ministers who would there disseminate that view of Christianity entertained by the Puritans of the commonwealth; and a large sum of money was invested in the purchase of an estate from Col. Bedingfield, the rental of which might be applied to the undertaking. After the restoration of the Stuarts, Bedingfield entered again on the estate, and refused either to surrender it or repay the purchase-money, on the pretext that all which had been done in Cromwell's time was without the sanction of law; that the corporation was null, and so could hold neither money nor lands; and he had further the cool impudence to pretend that he had sold the property much under its value, in expectation of its recovery on the king's return, for which he very confidently looked. The lord chancellor, however (Hyde), decided that Bedingfield had no right to the property, but that it belonged to the king; who, he said, would readily grant it for carrying on the good work originally intended. He accordingly exerted himself with success to obtain such a grant from his majesty; and in 1661 he procured a new charter, creating a corporation "for the propagation of the Gospel amongst the heathen natives of *New England* and the parts adjacent in America;" and at the head of this was placed, as governor, the Hon. Robert Boyle, an eminently good man, who took a deep interest in its prosperity.

But it was soon seen that the design of this corporation was too narrow, and would not meet the wants of all the American plantations; and a circumstance occurred in 1679 which drew the gen-

eral attention of Christians still more to the subject of religion in the colonies. In that year Dr. Compton, then Bishop of London, received a letter from Boston, in Massachusetts, signed by several of the inhabitants, and petitioning that a church should be allowed in that place for those who preferred to worship after the forms of the Church of England. This induced the bishop to represent the matter to King Charles the Second, who allowed the church to be erected. In 1685, it appeared that individual Christians were becoming alive to the subject; for in that year Sir Leoline Jenkins founded and endowed two fellowships at Oxford, imposing as a condition on the fellows, that they should take holy orders, and serve either at sea in the royal fleets, or in some "of his majesty's foreign plantations, there to take upon them the cure of souls, and exercise their ministerial functions:" and the proceeds of this fellowship supported the first assistant minister of the first Episcopal church in Boston.

In 1692 Dr. Compton determined to know more of the Church in the colonies, and appointed Dr. Bray to be his commissary in Maryland. This most worthy and excellent man remained in America some two or three years, acquainting himself with the state of religion throughout all the continental colonies; and on his return made a detailed report, representing the immediate need of at least *forty* missionaries to the plantations. At the close of his report he issues proposals to raise a fund for their support, in which, after offering to spend the remainder of his private means in the cause, and cheerfully to go back with the missionaries, he suggests that every bishop in the kingdom should make an annual subscription, and use his influence with the wealthy and dignified, both clerical and lay, throughout his diocese, to do the same thing: that these subscriptions should be sent in to the archdeacon of each diocese at the annual Easter visitation: that each bishop should select from his own clergy one or more to go as missionaries, and that each missionary should be supplied with a small but well-chosen library; and most judiciously does he state the qualifications such missionaries should possess. Indeed, a document more abounding in good sense and fervent piety on the subject of Christian missions, it has never been our lot to read. In his report he thus speaks of our own country: "Roanoak lyes

betwixt Virginia and Carolina." [By Roanoak he means the Albemarle settlement.] "It is peopled with English, intermixt with the native Indians to a great extent; and as there will be occasion for at least two missionaries to be sent among them, so the governor, who is now going over to that colony, being a very worthy gentleman, I dare promise will give the best countenance and encouragement which shall be in his power."

"The last province that I shall now speak of on the continent is Carolina [by this he means all the territory in the lords proprietors' patent south of Albemarle], a very thriving colony, and so large as to want at least three missionaries, beside one lately sent thither."[1]

The reader will pardon us for dwelling so long on Dr. Bray's efforts, from the fact that he is entitled to the credit of having originated the *first* systematic movement of the Church of England in the work of missions; that he was indefatigable in his labors to procure good Episcopal missionaries for the colonies; and that he gave to North Carolina, and established at Bath, the first public library, for the use of the people, that she ever had. Such a man deserves honorable remembrance.

On the report of Dr. Bray, Bishop Compton went to the king, as he had done before, and obtained from him a bounty of £20 to every minister or schoolmaster that would go over to America; and wrote to several places in the colonies, proposing to supply them with ministers. The effect of this was, that in those settlements that were comparatively rich, and able to support a minis-

[1] The author has now before him one of the first printed copies of Dr. Bray's report and proposals, which he obtained in London, and which was sent out for subscriptions. It was printed in 1700, and was circulated, as we judge from circumstances, in the diocese of London, as among its subscriptions is one by Dr. Stanley, then archdeacon of that diocese. The autographs are not without interest. That of the bishop (Compton) is as follows:

"I will contribute twenty pounds a year, so as I continue in my bishoprike." The three following are in Dr. Stanley's handwriting:—"Feb. 20, $170\frac{0}{1}$. I will contribute twenty pounds per an. for five years next coming (if it please God that I live so long):" signed, "Will: Stanley."—"Mar: 8, $170\frac{0}{1}$. The Rev. Dr. Will: Sherlock, dean of St. Paul's, promised to pay yearly, for five years, the sum of ten pounds."—"Mar: 9, $170\frac{0}{1}$. The Rev. Dr. John Younger, residentiary of St. Paul's, promised to pay yearly, for five years, the sum of five pounds."—In another handwriting we have: "March 12, 1700. Mr. Stephen Watts does subscribe for his friend, ten pounds yearly for three years."

ter, as in the West India Islands, churches were generally built; but this good result did not extend to the poorer continental plantations, and Carolina profited by it but little. In 1669 a society had been instituted in England "for the promotion of Christian knowledge," which found so much to encourage it in its labors, that the members resolved on an extension of their efforts in another direction, and formed themselves into a second society, for the purpose, particularly, of supplying the American colonies with clergymen, though their labors were not to be confined to America. This was chartered by King William on the 16th of June, 1701, under the name of the "Society for the Propagation of the Gospel in Foreign Parts," and is the oldest existing Protestant missionary association in the world. To this body the Protestant Episcopal Church in North America may be said chiefly to owe its existence.

One of the first labors of this society was to ascertain *facts;* and, in the prosecution of their inquiries, they found that in North Carolina there were, exclusive of negroes and Indians, about six thousand inhabitants, in a sadly irreligious state generally. An examination into the result of all their investigations has led us to the conclusion, that in all their wide field of labor, not entirely heathen, they had, nowhere, more unpromising ground to cultivate than in North Carolina. There were, as we have said, individual Christians scattered here and there, but their number was small; and as to the mass of the people, each man did what was right in his own eyes, and nearly all seemed to live "without God in the world." The few who had any real religion were Church of England men or Quakers, with here and there a Presbyterian, though there were then very few in the colony of this latter denomination.

The country had at that time been settled for some fifty years, and one who had known it for the last twenty of those fifty, and whose position in the colony was among the most respectable, tells the Bishop of London, that during his residence it had been "without priest or altar," and that before he came into it, it had been, from what he could learn, much worse even than during his residence.[1]

[1] Letter of Henderson Walker, ante, p. 293.

The first Episcopal clergyman that went to the province was the Rev. Daniel Brett. He was procured through the instrumentality of Dr. Bray, even before the society had commenced its operations, and, through the kindness of the same benevolent clergyman, took with him a small library of religious books. Of this Mr. Brett we have been able to learn but little. That little, however, is sufficient to show us that good Dr. Bray was sadly deceived in the character of the man. For about six months after his arrival he behaved with propriety, and then broke out into such gross wickedness that sober-minded men, who respected Christianity and venerated the Church, hung their heads with sorrow, and were restrained by very shame from particularizing his enormities: they were not fit to be named. The scoffers exulted, and those not of the Church reproached those who were, with the life and conduct of their first minister.[1] What became of the unhappy man, we have not been able to discover.

This was but a bad beginning, and yet some benefit resulted even from the visit of this unworthy minister, though not by his direct instrumentality. In 1701, the Assembly had passed a law for building a church and establishing a maintenance for a minister; and the presence of a clergyman probably stimulated the laity to erect the sacred edifice. Where it was we cannot say, and doubtless it was an humble structure. Still, it was built, and, as we think, in 1702; and this was the first Episcopal church edifice in North Carolina. Our *conjecture* is, that its locality was in or near our present town of Edenton. In 1703, we know that two other church edifices were in the process of erection.[2] All these were in the Albemarle country. The law of 1701, for establishing the Church, had not been obtained without difficulty. Even at that early period, the spirit of religious controversy developed itself, and the Quakers, together with the few Presbyterians in the colony, opposed the enactment; in this opposition they of course received, without seeking it, the support of the many ungodly who wanted *no religion at all*. The Churchmen, however (real and nominal), constituted the numerical majority, and, by dint of strenuous efforts, succeeded in getting an Assembly elected and

[1] Henderson Walker's letter, ante, p. 293.

[2] Ibid., ante, p. 293.

enacting the law. They acted under it, without waiting for the approbation of the lords proprietors to its provisions. It had, however, been sent over to them, and in 1703 they were anxiously expecting its return with their lordships' approval, before the meeting of the biennial Assembly of that year.[1]

The first missionary sent over by the Society for Propagating the Gospel was the Rev. Mr. Blair, who came into the province in 170$\frac{3}{4}$. Lord Weymouth, moved by the destitute condition of the colonists in things spiritual, contributed £50 toward the support of this gentleman, who also received the queen's bounty of £20 paid to all missionaries, and he landed in Virginia on the 14th of January, 170$\frac{3}{4}$. On the 24th, he was at his work in Albemarle, with the goodness of the Lord and His power, as his best stock; and £25 in his pocket to live on, while he endeavored to evangelize a community which, with some few exceptions, was probably as near heathenism as any community calling itself Christian ever was.

He set about his labors with a good will, though he found many inconveniences (as we of this day know he must have done) from the numerous rivers and streams north of Albemarle, and from the necessity he was under of providing himself with a guide, and supplying both himself and his attendant with horses. No wonder that in two months he was disposing of the articles necessary to his personal comfort, in supporting himself. He found the three church edifices of which we have spoken above, one in each of the precincts of Chowan, Perquimons, and Pasquotank; and in each of these he placed a reader, who, on every Sunday when he was not present, read morning and evening prayer, and two sermons, from books which he furnished from the library. To these the people paid a small salary. He convened the vestries in each precinct on his first visit to them, and informed them of the benevolent designs of the society and Lord Weymouth; and laid before them a proposal from Dr. Bray, that if they would procure glebes for each church, he would exert himself (and he doubted not as to his success) to have attached permanently to each glebe, as was done in Bermuda, two slaves and a small

[1] Henderson Walker's letter, ante p. 298.

stock, as a perpetual income for an incumbent, so that they might always have a minister with provision for his maintenance. This was the first effort toward an endowment in Carolina.

As to Mr. Blair himself, he preached, somewhere, twice every Sunday, and often on other days when he could induce the people to assemble for the baptism of their children, of whom there was a very large number unbaptized. He administered this sacrament to about one hundred; and to avoid offending the magistrates by depriving them of their marriage perquisites, he prudently declined to perform that ceremony while he remained in the colony.

Disheartening as were the circumstances of his position, he still persevered with a good will, hoping that when the Assembly met, it would make such provision at least as was indispensable for his support. But this Assembly was unlike the previous one of 1701 which had established the Church. The apprehension of being made to pay for the support of any religion had stirred up the disaffected, and the majority of the Assembly now consisted of Quakers, who were bitterly opposed to "establishments" and "hireling priests." Unfortunately, too, the law of 1701 had come back, *disapproved* by the proprietors, because of the insufficiency of the stipend of thirty pounds allotted to each minister. It was hopeless to expect a Quaker Assembly to re-enact it with a larger stipend. The Church had a hard battle to fight, and that too against odds that insured her defeat. First, there were the Quakers, who, united to a man, were most industrious and vigilant in their opposition. Next, a great many, who, though nominally perhaps of the Church, or at least descended from ancestors reared within her pale, joined the Quakers to escape taxation for the maintenance of religion. Third, a class who rather seemed to be Presbyterians than any thing else, though they were not regularly such, as their leaders were men who had forsaken their ordinary secular employments, and went about the country preaching and baptizing, without having ever been licensed or ordained by any ecclesiastical authority at all. It is not surprising that Mr. Blair soon found himself likely to starve in the hands of this Assembly, particularly as the then deputy-governor did all he could to discourage the efforts of those friendly to the Church.

When the poor missionary thus found that he could not travel any more from precinct to precinct, he resolved to settle down in some one of them, and do what good he could there, trusting to Providence to sustain him. But, here again, he was met by a general outcry from the people, embodying a tolerably cool specimen of impudence from the beneficiaries of a charity. Instead of leaving Mr. Blair, Lord Weymouth's accredited agent in Carolina, to determine how his charity should be executed, they undertook to dictate the mode themselves, and said that as his lordship's benevolence was designed for the *whole* country, if it could not reach all, it should not benefit a part. Thus paralyzed in his labors, the missionary who, in the faithful discharge of his duty, had travelled, on an average, thirty miles per diem, Sundays only excepted, ever since he had been in the colony; often spending the night in the woods; who had never received any thing from them; and who was now without a penny, knew not whither to turn. Then it was that the few who really valued Christianity, and were friends to the Church, stepped forward, and furnishing Mr. Blair with the necessary means, advised him immediately to return to England and represent to the society the double want of the country, first, in ministers, and next, in inhabitants to maintain them. He followed their suggestion, and on his return voyage, the vessel he was in having been captured, he was carried into France and detained a prisoner of war for nine weeks, and finally reached England, completely beggared, and with a debt, overlarge for him, upon his shoulders. And so ended the story of the society's *first* effort to plant the Episcopal Church in North Carolina.[1]

Mr. Blair placed before the society the facts related above, and satisfied them that they had fallen into two errors at least in this their earliest attempt. The one was in supposing that *one* man could possibly do the work: even if he could have taken care of the spiritual interests of those living at Albemarle, he could not have ministered to those on Pamlico, where there was now a settlement, which however could not be reached but by a journey of fifty miles through a wilderness occupied by savages only. The second error of the society was in the belief that the inhabitants

[1] Vide Mr. Blair's letter, ante, p. 294.

of the country valued the institutions of religion enough to provide a support for the missionaries who might be sent to them. They resolved, however, to renew the attempt, and, in some degree, to profit by the experience of the past. They had not indeed the means to send all the ministers required, for four at least were necessary; but they determined to send two, that one might uphold and comfort the other; and further, they made a better and surer provision for their support than Mr. Blair had enjoyed.

The individuals selected were Mr. Adams and Mr. Gordon, whose letters are now before us containing the narrative of their ministerial career in the province. From these we gather the materials of our story. They reached Carolina in April, 1708, and found four precincts on Albemale and three on Pamlico. On Albemarle were Chowan, Perquimons, Pasquotank, and Currituck; on Pamlico were Beaufort, Hyde, and Craven. Mr. Gordon took charge of Chowan and Perquimons, and Mr. Adams of Pasquotank and Currituck.

Chowan was the largest of the precincts on Albemarle, and at the same time, the most sparsely settled. A small church that had been built some years before was found there, but in a ruinous condition, and Mr. Gordon prevailed on them to erect another. In this precinct there were no Quakers or other dissenters from the Church of England; but the people were deplorably ignorant: few could read, and fewer still could write, and even some vestrymen and justices of the peace were without this last accomplishment. The population, however, generally seemed well inclined, and thankfully received instruction both in public and private. In this precinct Mr. Gordon lived, and found his labors very hard; for it then included the territory on both sides of the Sound as well as a part on Roanoke River. Here he baptized about a hundred children during his stay, introduced a schoolmaster, and furnished the pupils with books. Here he thought that faithful and persevering ministerial labor, in a quiet and settled state of the country, would, from the temper of the people, be probably followed, with God's blessing, in good results.

As to Perquimons precinct, it had in it a good little church, much better built than that of Chowan, but not entirely completed, in consequence of the death of Mr. Swan, its greatest bene-

factor, who was one of the few that exerted himself greatly for the promotion of Christianity in the country. Here the Quakers were very numerous, and exceedingly active in their efforts to thwart the missionary in his work. Mr. Gordon (who seems to have been prudent and discreet) met their opposition with Christian patience, and in some degree disarmed their hostility by administering medicinally to their wants when they were sick; so that they finally not only became civil and respectful to him, but when on his travels, would entertain him in their houses with kindness and hospitality. The vestrymen of the church in Perquimons were sadly ignorant, most of them careless in their lives, and all indifferent in religious concerns. Mr. Gordon could never get them even to convene. Among the Quakers were found some who had been of the Church of England, and frankly told the missionary that their departure from it had been produced by the wicked conduct of a former minister, alluding probably to Mr. Brett, of whom we have spoken, and the evil examples of the vestrymen. They said they forsook the Church, because they preferred to embrace any thing that but looked like serious religion, rather than have none at all. Some of these, Mr. Gordon thought, would willingly return to the Church, if it were blessed with faithful and constant ministrations.

Pasquotank precinct had in it no church edifice at all, and the Quakers were very numerous here also. It was more compactly settled and better peopled, in proportion to its size, than any of the precincts of Albemarle. The people here were also more industrious, careful, and cleanly than in any other part of the country, and lived better than the masses in the other precincts. But though they had no church building, they had a congregation of Episcopalians, and though surrounded with Quakers, it was the best in Albemarle.

Both the missionaries were struck with the order, decency, and seriousness with which the people here bore their part in public worship. The explanation of it was this: a Mr. Griffin had come into the precinct, from some part of the West Indies, some three years before their arrival, and opened a school. He was of the Church of England, and, with the consent of the vestrymen, soon began to act as a lay-reader. His life was exemplary and his

behavior discreet, so that his character was held in high esteem; and even the Quakers had so far overcome their prejudices that they intrusted him with the education of their children, though they knew that he read prayers twice a day in his school, and required of all his pupils, as well Quaker children as others, to make the responses, and to violate none of the decencies and proprieties of worship. The consequence was, that the congregation in Pasquotank was not only the best behaved, but also the best informed in the whole country. This precinct and that of Currituck were under the pastoral care of Mr. Adams, who was an excellent man and very faithful missionary. He found in the former thirteen hundred and thirty-two souls, of whom nine hundred professed to be of the Church of England, with the exception of some few *real* Presbyterians, who would not follow the unlicensed and unordained men who called themselves ministers of that denomination. These Presbyterians always worshipped with Mr. Adams and his congregation, placed themselves under his spiritual care, brought their children to him for baptism, and were well satisfied to have them reared in the use of the Prayer-book. Of the remaining four hundred and thirty-two inhabitants, there were two hundred and ten Quakers, two hundred and eleven negroes, of whom some few had been instructed in the Christian religion, though their masters would not permit their baptism, because they erroneously supposed that a Christian slave was by law made free; and there were about eleven who professed no religion at all. Thus minute was this good man in taking an actual census of the inhabitants of the precinct, that he might better see and perform his duties. He administered baptism to some hundreds, and in the administration of the Lord's Supper had the comfort of seeing the number of recipients regularly increase. During his whole stay in the country he never received from the people as much as would defray the expenses of his food and lodging merely. The distance between his stations was in some instances sixty or seventy miles, over wretched roads, and sometimes through the wilderness, where there was no road at all, with numerous water-courses to be crossed in his journeyings.

His residence was in Currituck. Here, also, there was no church edifice; but he did not wait for the erection of one to

begin his labors. He preached wherever he could gather his fellow-men together; and though we cannot affirm the fact, yet we think it very probable, that he often proclaimed to the perishing sinners around him, "the unsearchable riches of Christ," in God's own great forest temple, carpeted with the grass, and canopied by the skies with which God himself had adorned it. The man was in earnest about his Master's work. Here, too, he took his census. He found five hundred and thirty-nine souls. Of these, ninety-seven were negroes, five or six professed no form of religion, *one* only was a Quaker, and the rest all conformed to the Church of England. Here, too, he baptized numbers, and was comforted by the increase of his communicants.

Bath county included all that portion of country which reached from Albemarle Sound southwardly, through the region lying on Pamlico, and terminated on the shores of Neuse River. This latter-named place had then, as settlers, but little more than a few French Huguenots, who had come thither from Virginia. Indeed, all the three precincts of Bath county combined did not, at that day, contain as many inhabitants as any one of the precincts on Albemarle. Most of the residents were on or near the shores of Pamlico River. There the people had begun to build the town of Bath, which contained about twelve houses, and was *the only town in the province.* But a church was not among its edifices. Land had been laid out, however, for a glebe, and the town was in possession of the library which the benevolence of Dr. Bray had furnished. Clergymen had been there; not, however, as missionaries from the society, but adventurers from the West Indies and from some of the English colonies on the continent. None, however, had remained long; and when Messrs. Gordon and Adams came into the province, it was without a minister, nor were they able to supply its wants. Clergymen had also been in other parts of the province, though their visits were but casual. Thus, as we learn from Governor Glover's letter to the Bishop of London, the Rev. Mr. Marsden, on his way to his mission in South Carolina, was detained for a time in Pasquotank, and thought it proper there to administer the Lord's Supper. This was done on Trinity Sunday, 1706; and it is believed that this was the first administration of that sacrament in North Carolina, according to the forms of the Church of

England. On the same day he baptized forty-five persons, infant and adult. The scene was doubtless deeply interesting to those who were really religious; and such, it would appear, was Governor Glover. "If any thing in this life, my lord" (thus he writes), "was able to raise in my breast a joy without mixture, it was to see unbaptized parents, with their children in their arms, offering themselves to CHRIST; which I have seen, and therefore ever will rejoice."[1] But if the Christian thus sometimes found cause for rejoicing, he oftener had occasion for grief; for the impiety of the irreligious was sometimes shockingly gross and wicked in its exhibitions. Mr. Gordon and Mr. Adams both had, in the commencement of their ministrations, the painful and most profane spectacle before them of a deliberate and impious mockery of the administration of the holy eucharist, by those who were seeking to make them and their services the subject of contempt and ridicule. God knows there was wickedness enough in the land. Our manuscripts of the period, however, relieve somewhat the darker shades of the picture, by showing us that among those of highest position in the province there were men whom we believe to have been Christians indeed; among whom we may name, as most conspicuous, Glover, Swan, Gale, and Sanderson; while our letters show us that Hyde, Pollock, Duckenfield, Moseley, Little, and others, were by no means indifferent to the support of religion and the Christian instruction of the people.

With such men as Mr. Gordon and Mr. Adams, hope might reasonably be entertained of improvement; and, indeed, the evidence is satisfactory enough that God did bless *their* labors. But this gleam of sunshine was not destined to continue. They came over in 1707: some five months before their arrival, John Porter, who had been sent over to England by the Quakers, returned. This man had succeeded, by Mr. Archdale's help, in procuring the suspension, by the lords proprietors, of the power of Sir Nathaniel Johnson, the governor of Carolina, at Charleston, to appoint a lieutenant-governor for Albemarle. Carey, who was at the head of affairs there, was removed, and the proprietors sent over by Porter several new appointments of deputies, with per-

[1] Mr. Glover's letter, MS., ante, p. 314.

mission to them to choose a governor. The Quaker influence predominated among these new deputies: and now commenced a scene of turbulence, contention, and strife which threw the whole province into confusion; and in the establishment of two rival governments, left it, in effect, for some two years, without any other rule than that imposed by a lawless and triumphant faction. Of the particulars connected with all this, we will not now speak: they will be found duly related in our chapter on the civil history of the province. It is only necessary here to say, that these distractions sadly retarded the efforts of the missionaries. Mr. Gordon hoped, but in vain, that the public animosities which rent the country into factions, would soon abate, and enable him to prosecute his labors: finding them, however, rather to increase, he thought it better to return to England and seek employment in a more quiet field. He therefore left for the mother country, taking with him the most ample attestations from the best people of the province, that he had labored with equal fidelity and zeal, and, as a clergyman, had walked worthy of his vocation.

His departure was a sore grief to Mr. Adams, but he would not permit his dejection to divert him a moment from his duty; so he resolved, by increased diligence, to allow his mind no time to indulge in despondency. Prudent, faithful, industrious, and irreproachable, he continued to work until 1710, when, physically worn out with the hardships he had undergone, he found it indispensable that he should leave Carolina for a field of lighter labor. He therefore resolved to go to England, and wrote to the society begging them to allot him some other station in America, where the Church was more settled, as he still wished to be doing the work of a missionary. When it was known that he purposed going, the expression of regret among the Churchmen of the province was universal. The governor, the council, and the vestries alike bore testimony to his goodness and worth; and everybody knew that they but spake the truth when they said that he "had waded through great difficulties, under the vigilant eyes of malicious enemies" (the Quakers), "without committing any thing unbecoming a minister of our Lord and Saviour Jesus Christ." But he never saw old England again. He was worn out, and, when just ready to embark, his constitution yielded to a fresh attack of

sickness, and the Master called him to a *home* indeed. His mortal remains were deposited somewhere in North Carolina: we are sorry that we know not the spot, for we would mark it as consecrated; but wherever it be, there were laid to rest the bones of a "good soldier of Jesus Christ." Sinful man can reach no higher honor.

Carolina was now left without an Episcopal clergyman in it; and we almost think it had been better so to have remained, than to have borne the infliction of the next man who was appointed. This was the Rev. John Urmston, or Urmstone, for we find both orthographies. A large number of the letters of this missionary, copied by us from the originals in London, now lie before us, and we heartily wish they presented a better picture than they do. He was sent over in 1711, and lived in Chowan. Born in Lancashire, he had received a university education, and, we are constrained to believe, had taken orders, as too many in the Church of England did in that day, rather as a means of support than from any deep sense of duty to God. Unamiable in disposition and ready to quarrel, he was covetous also, and very much disposed to presume on the dignity of his sacred office. The most querimonious of men, every letter is filled with complaints of his unparalleled sufferings, and solemn assurances of the impending starvation of himself and his family; while they generally wind up with a pathetic farewell to his English friends, and a business-like announcement that he had drawn certain bills of exchange which he wished duly honored, not forgetting to add instructions as to the remittances in English goods, which he assures his saddened countrymen he can sell at an excellent profit. Six times in ten years he assured them that he expected himself and family to be laid in the tomb from sheer *want of food*, before he could possibly hear from England; and yet he orders a variety of articles to be sent, which could not possibly arrive until, upon his hypothesis, the grave would have hidden alike him and his necessities. And yet this man, thus eternally starving, contrived to buy land and negroes and stock, to hire white servants, to procure tools and agricultural implements, to be the proprietor of horses and boats; and, in short, appears to have been the only missionary, during the proprietary rule, that ever acquired any property in the country; while from his own

letters we gather the fact, that he had administered the Lord's Supper but *twice in five years!* More acrimonious bitterness of speech than he uses concerning those whom he disliked, it would be difficult to find; and the significant fact presents itself, that those whom he most reviles were really the most seriously religious of the Churchmen in the province. The coarseness of his language harmonizes with the malignity of his temper; it as little became the refinement of a gentleman as it did the holiness of a priest: thus the province is designated a "hell of a hole;" and he declares that he would rather be "the curate of Bear Garden than bishop of Carolina." He was perpetually quarrelling with his vestries, and always about money; and, in a word, succeeded to admiration in very speedily making himself odious and unpopular among people of all classes, by his impiety and selfishness.

The reader, we trust, will readily believe us when we say, it affords us no pleasure to sketch such a picture of a minister of Christ; but we must speak the truth as it is afforded by the evidence; and it had been better not to undertake our work at all, than not faithfully to present the facts which can alone afford our countrymen of this day a true picture of the times. This man affected earnestly to desire the society's permission to relinquish his station and return to England. The letters from governors, councilmen, and even some of the common people, sent to the society, induced them most readily to consent. He remained, notwithstanding his importunate solicitations, several years after he had leave to withdraw; and his own letters show that he tarried in the hope of gain from the disposal of his property. The very records of the court show him to have been punished for *drunkenness* and *profanity;* and the enemies of Christianity could not have desired a more efficient auxiliary than the presence in the province of such a man as the Rev. John Urmstone. When it suited his convenience, he left abruptly, without a word of warning, and, in England, with unequalled effrontery, offered himself again to the society as a missionary. We need not say that the society would not even notice the man. He was old and alone now. He had buried his wife in the province; his eldest son, whom he had trained as a slave to labor, when he attained to manhood, refused to live with him, and left Carolina for England, followed by pa-

ternal curses and denunciations; his younger children he took with him, as we believe, and what was the end of the unhappy man, we have not discovered. This missionary, in twelve years, did more to retard the spread of Christianity and the growth of the Church of England in Carolina, than any and all other causes combined.

Not very long after the arrival of Mr. Urmstone, he was followed by the Rev. Giles Rainsford, against whose moral character no imputation could justly be made. He was deficient in zeal, and too easily disheartened. His health, however, failed, and he was, beside, once taken by the savages; and these things furnish an apology for his seeming want of energy. He labored but a few months in Carolina, before, alarmed by Indian hostilities, he withdrew into Virginia.

In the interval between the arrivals of Messrs. Urmstone and Rainsford, the society were induced, upon the representations of Governor Eden, to instruct the Bishop of London's commissary at Charleston, the Rev. Mr. Johnston, to send one of the missionaries in South Carolina to the northern province of Albemarle. The Rev. Mr. Taylor came accordingly to Chowan, and found a hospitable home at the residence of Mr. Duckenfield, whose house was used as a church by the missionary. After laboring there for some time, he removed to Perquimons, and finally to Bath. His fate was a sad one. He left Pamlico to visit Core Sound, the most southern settlement in the province. He was in his own boat, and with his own crew. Unfortunately he was indiscreet enough to permit them to discover that he had in his possession a considerable amount of money, for he was possessed of some wealth. On his way he landed on Harbor Island, and never left it alive. The story told was, that, tossing about ten days and nights in an open boat, he perished from cold, in February, 1720. But none of the crew perished; and the authorities, suspecting that he had been murdered, instituted inquiries, but could discover nothing of his fate, nor obtain the money which he was known to have had with him.

After the departure of Mr. Urmstone for England, in 1721, the province was without any minister at all. Governor Eden applied to the society, requesting that some clergyman might be sent, and the Rev. Mr. Newman was dispatched to the province in 1722.

But it was very little that one man could do to supply such an extent of country. He preached, by turns, at six or seven different places, varying in distance from each other from twelve to one hundred and fifty miles, and was indefatigable in his efforts to carry his labors to the remotest parts of the province. Unaccustomed to the climate, as he was, the natural consequence of his exposure and toil was frequent sickness, and finally death, after about half a year's labor. He left behind him, however, a good report, and had so endeared himself to the community, that the Assembly, after his death, voted to his widow a gratuity of forty pounds; and the appreciation of him by the society was shown in their giving to his relict his whole year's salary of sixty pounds. He was truly a loss to the province.

North Carolina had now become an unpopular station among those clergymen of England who offered themselves as missionaries to the colonies. Few were willing to undertake its arduous duties, and the society labored in vain to find men for a field so unpromising and toilsome. It was not until Sir Richard Everard was made governor in 1725, that any one offered. On his appointment, the Rev. Mr. Blacknall (of whom we know but little more than his name) applied to be appointed, and came over, as we believe, with the governor. He remained but a short time, and the only act of Mr. Blacknall, of which we have any knowledge, is furnished by the judicial records of the period, and may be found among the preliminary documents prefixed to our chapter on "The law and its administration."[1]

The reader may remember having read there the case of a clergyman, who violated the law by uniting in marriage a white man and a mulatto woman, incurred thereby a penalty of fifty pounds, informed against himself, and claimed one half the penalty allowed by law to the informer. This clergyman was Mr. Blacknall.

He was not, however, the last who appeared in Carolina during the administration of Sir Richard Everard. There was another, but he had not been sent by the society. This was the Rev. Thomas Bailey, who made his appearance in the province before Mr. Blacknall had left it. A future chapter will show in detail

[1] Vide ante, p. 126.

that the indiscretions and temper of Governor Everard soon involved him in most undignified altercations with the equally indiscreet and quarrelsome Burrington, his predecessor in office; that their respective adherents formed parties, between which quarrels were frequent, sometimes ending in street brawls and vulgar pugilism, in which the governor so far forgot himself as, more than once, to take part. Bailey was a follower of the fortunes of Burrington, who upheld him, and no doubt he was prompted by him to ask of Everard permission to preach, in the confident belief that the governor would refuse, and thus furnish more fuel to the fires of party strife. As to Bailey himself, Sir Richard wrote to the Bishop of London that he had lived in Philadelphia, and had there borne a bad character as a drunkard; that driven from thence he had passed into Virginia, from which province his vices had caused his speedy expulsion; that he had thence passed over into Carolina, and after being drunk for two days in Edenton, had applied to him for permission to preach; that such permission having been refused, instigated by Burrington, some of his party broke open the court-house door on Sunday, when Bailey there officiated.[1] How much of this is true it is not possible to say, for the statement of Bailey and the affidavits of Burrington and several of his party contradict Everard's story in all particulars save that of breaking open the door of the court-house. It is a bad story at the best. The Church had enough to contend with in the hostility of the Quakers, the disaffection of her merely nominal members, and the open assaults of the enemies of all godliness: it is sad to think that the last glimpse we get of her in public, during the proprietary times, shows her as a helpless victim, dragged into an unnatural association with the dirty strifes of still dirtier parties; mixed up with the lawless deeds of clamorous and drunken partisans, and amid the curses and the shouts of a godless and triumphant rabble, escorted through doors broken down, to be represented by the ministrations of a man whom one half of the community pretended, for the time, to consider an oracle, while the other half believed he was a drunkard. Religion and the Church of Christ could not but suffer from such forced and unhallowed associations. They indeed

[1] MS. letter from Everard to Bishop of London, January 25, 1725.

were the only victims: the mob had nothing left to lose; while Christianity, thus insulted, was reproached with the crimes of its very enemies.

There are circumstances to justify the belief, that though Mr. Bailey was unfortunately involved in the party feuds of the day, yet he was rather forced into them than voluntarily sought them. He left Edenton after the transactions just related and went to Bath, ministering to the inhabitants there and in Hyde precinct, though he never was one of the society's missionaries. A letter from the church-wardens and vestrymen of the first-named place earnestly entreats the society to enrol him as a missionary and allow him the usual stipend; and from it we gather the fact that he had served them almost three years, that his conduct had been exemplary, and his zeal and industry conspicuous. We are disposed, therefore, to hope that he was a much better man than Governor Everard represented; and possibly, in a calmer moment, when Mr. Bailey was not angrily identified in interest and purpose with Burrington, the governor's rival and enemy, Sir Richard might have spoken of him in milder and kinder terms. At any rate, the people of Bath and Hyde bestowed on him no stinted commendation.[1]

But bad as were some of their teachers, there is reason to believe that, on the whole, the people had been made better during the proprietary rule. The country was slowly, indeed, but still gradually emerging from the darkness and indifference in which the first missionaries found it. The labors of Messrs. Gordon, Adams, and Newman were not all fruitless. The seed sown by these spiritual husbandmen had not all fallen on sterile ground. At the close of the dominion of the lords proprietors there existed nine parishes in the province; and though there was not a clergyman in any, yet the people themselves, by means of readers (not always indeed the ablest), endeavored to maintain, regularly, worship in most of the congregations. One resident among them, whose official duties brought him into communication with all the inhabitants of the province, described them as "a people perfectly well affected to the Church, and very desirous of giving encouragement

[1] MS. letter from vestry of Bath, &c., May 25, 1726.

to ministers of a courteous and affable behavior, to reside among them, could they have the good fortune to be supplied with such."[1] Some progress had therefore been made.

As to the support given to the Church of England during the times of proprietary rule, by the legislation of the country, it was first made the "establishment" by the act of 1701. This law, as we have before stated, was obtained not without the most strenuous exertions on the part of Churchmen to overcome the opposition of the Quakers. By it parishes were established, a tax laid for the purchase of glebes and the erection of churches, and a stipend of thirty pounds was allowed each incumbent. This law, however, had to receive the assent of the lords proprietors, and, without it, was of force only for two years, or until the next meeting of the Assembly in 1703. That assent was refused, solely on the ground of the insufficiency of the salary allowed; and the Assembly of 1703 was, by the industry of the Quakers chiefly, composed of men who had no desire to amend the law or establish the Church. Hence it became, in truth, a dead letter, because not approved by the proprietors; though the Churchmen still continued to act under it, and, as far as we can discover, such action seems to have been acquiesced in by the people, who appear, perhaps from the habits of early association at home, to have considered the Church of England as the established religion of the country. There was one provision in this law which was deemed wrong by Mr. Gordon and Mr. Adams, and was also not approved by the best of the laity. Without it, however, the Assembly of 1701 probably, would not have passed the law at all. Experience seemed to them to teach its necessity. Governor Glover thus speaks of it: "There is one great error which it was not in my power to prevent, viz., the subjecting the clergy to be judged by laymen; although that clause was never interpreted, even by the most zealous assertors of it, to extend to a power of displacing those who were orderly presented and inducted, but only such as came by chance, and were agreed with from year to year, as the manner has been formerly among our neighbors of Virginia. I shall only add further, that that clause had not been thought of

[1] MS. letter from the governor to the society.

by the composers of that law, had not the disorderly behavior of Mr. Brett given the occasion."[1] The troubles occasioned by the return of Porter from England, and the usurpation of authority by Carey, prevented any further legislation until the Assembly of 1715, when the act for establishing the Church was passed, of the details of which the reader has already been informed in our second chapter, concerning "the laws and their administration." Before we leave the Church of England, it is proper to speak of some of those among the laity who took most interest in its progress, and exerted themselves most for the promotion of its welfare.

Edward Moseley was a lawyer of the province, and actively engaged also in the political contests by which the colony was from time to time agitated. If we should judge of his character solely by his conduct in these party contests, or by the representations of his political opponents, we should scarcely do him justice. Hasty in his temperament and resolute in his purposes, he unquestionably, in his moments of excitement, sometimes overstepped the limits prescribed by a sound discretion, and made himself more vulnerable than became a man of his talents and attainments. Those talents not unfrequently forced him into the position of a leader, to which, we apprehend, he was ambitious enough not to be averse; and of course, amid the exasperations and hard words inseparable from party strifes, he received his full share of harsh judgments and prejudiced utterances. Gale, the chief-justice, Little, the attorney-general, and Moseley, were undoubtedly the three best lawyers of Carolina in the proprietary times; and all were ready and active in their efforts to give to the people the blessings and benefits of religious instruction. Among our old ecclesiastical documents we find Moseley in another aspect than that of lawyer or politician. We find him in communication with the Missionary Society, informing them of the true state of religion among the people, and begging them to send missionaries of the proper kind. But he did more than this. He was as ready with his purse as with his pen. He sent to England and purchased Prayer-books, as well as works of practical religion, for

[1] Gov. Glover's letter to Bishop of London, 25th Sept., 1708, MS., ante, p. 800.

gratuitous distribution in Carolina; and not content with this, he bought also quite a library, the catalogue of which is now before us, and presented it to the "Society for Propagating the Gospel," as the foundation of a provincial library, to be deposited in Edenton for general use. Most of these books were well selected and costly. He seems to have been vigilant of the interests of the Church in minor matters. He married the widow of Mr. Henderson Walker, and finding that the sum of £30 had been placed in Mr. Walker's hands by Sir Francis Nicholson, for procuring a piece of communion-plate for each of the parishes of Chowan, Perquimons, and Pasquotank (of which donation Mr. Walker had left a statement among his papers), he paid over the money to the several vestries of those precincts; and then, having reason to believe that Perquimons and Pasquotank designed to apply the funds to other Church purposes, he immediately interposed, and informed Sir Francis Nicholson of the intended misappropriation of his charity, and requested of him to prevent it. We have been the more solicitous to make these statements, because the little that has been heretofore recorded in history of Mr. Moseley would leave of him no better impression than that he was a factious man of acknowledged ability, who could find little use for his talents save that of stirring up strife and encouraging contention for ends purely selfish. We do not think this was his true character.

Chief-justice Gale was a religious man, and belonged to an ancient family well known in England for the scholars and divines it had produced. His father, Miles Gale, was a clergyman of the Established Church, and rector of Kighley, in Yorkshire. Three of his sons came to Carolina, of whom two married in the province, and one died unmarried. These three were—Christopher, attorney-general and afterward chief-justice, who married the widow of Governor Harvey, Miles, and Edmund.[1] The chief-justice was the eldest, and belonging to a family which in several of its generations had furnished clergymen of distinction to the Church of England, as well as being himself both the son and brother of ministers of the Establishment, it is not to be wondered

[1] 4 Nicholl's Literary Anecdotes, p. 536. MS. letter of Rev. Miles Gale to the secretary of the society.

at that his zeal for the Church in Carolina was conspicuous. Our manuscripts show us that when his parish was destitute both of clergymen and church, his house was used as a chapel, and one of his brothers regularly officiated as a reader. He would preserve the observance of the Lord's day and the services of the Church in his family and among his neighbors. On a visit that he made to England, he waited on the Bishop of London, laid before him the exact state of religious affairs in Carolina, and exerted himself, but without success, to find missionaries who would go over. He enlisted also in the work the sympathies of his reverend father, and made efforts to induce his brother, who was in orders, to go. On his return he carried on a correspondence with the Bishop of London and others, and, indeed, never relaxed in his endeavors to procure clergymen. He was one of the most judicious and consistent friends of religion in the province, while his position added strength to his influence. We have been struck with the fact, that among the hundreds of letters and other documents in manuscript relating to the Carolina Church, which are now before us, though he is often mentioned in them, there is but a single document which speaks of him disrespectfully; and even that cannot reproach him with any thing worse than some deficiency in *professional learning:* it does not dare to insinuate aught against the Christian purity of his life. The reproach will pass for but little, when it is known that it came from one who was no lawyer himself. John Urmstone was the author of the letter alluded to, and his resentment was provoked because the chief-justice believed him to be an unworthy man and minister, and consequently would give him no countenance. It was Gale who had fined Urmstone for drunkenness and profanity.

Another friend of religion and the Church who deserves particular notice was Richard Sanderson, who resided in Currituck, and with whom good Mr. Adams lived. He was one of the lords proprietors' deputies, and a member of the council, until the Quakers obtained the ascendency and turned him, with all other Churchmen, out of power. By his will, he left to the parish in Currituck, to be enjoyed after the death of himself and his wife, both then in old age, a very good plantation on which he lived, with household furniture, slaves, stock, &c., as a perpetual living for the minister

who might be settled over that parish.[1] But we cannot further particularize; nor yet must we leave the subject without recording the names at least of Walker, Glover, Little, Duckenfield, Swan, and Pollock, as worthy of remembrance by Carolina Episcopalians of this day, for their efforts to promote the prosperity of the Church.

The "Friends," or Quakers.

John Archdale, a member of the society of Friends, and one of the lords proprietors, was appointed governor of Carolina, including both North and South, in the year 1695. Before his appointment, the Quakers were neither numerous nor influential in the province. Some of the society, however, had come years before John Archdale saw America. The earliest visit of which we have been able to find any record, is that of Edmundson, mentioned in George Fox's Journal under the year 1672,[2] and this was long before any minister of the Church of England lived in Carolina. The "Friends," therefore, of "all who profess and call themselves Christians," are entitled to the honor of having been *first* in the field. Persecution sent them into the wilderness of North Carolina, and this persecution began in New England. It is impossible to read the book of George Bishop, setting forth, as it not unfrequently does, with coarse yet nervous eloquence, the horrible cruelties practised on the Quakers in Massachusetts, without feeling an honest indignation toward those in authority, and especially toward the ministers of New England, who countenanced and encouraged such revolting atrocities under the pretext of zeal for the truth and glory of God. We can find no excuse for it in the stereotyped apology that it accorded with the spirit of the age. It required no great sagacity to discover that it did not accord with the spirit of Christ; and we really can call to mind no abominable prevalent iniquity in any part of the world, or on any page of history, that might not screen itself from censure under this convenient plea of the "spirit of the age." In every age, men may be found who will commit sin themselves, and countenance it in others—who will perpetrate gross injustice and practise revolting cruelties on their fellow-men; and the religion of the Saviour is

[1] MS. letter of Mr. Adams. [2] Fox's Journal, vol. ii. p. 137: Leeds, 1836.

opposed to all this, and is designed, by its benevolent teachings, to prevent it: its specific purpose is to correct this "spirit of the age." How deeply, then, men will ask, can the followers of CHRIST, clerical and lay, have drunk "at the pure fountain of eternal love," when, instead of a fearless effort to repress, they lend themselves rather to the effort profanely to sanctify, the wickedness which bad men have made fashionable and common?

But as if it were not enough to confine their cruelties within the limits of their own territory, the Massachusetts authorities, when their poor victims sought escape from persecution in Virginia, followed them there, and instigated the authorities of that province to make common cause with them in the fines and imprisonments and scourgings which were, forsooth, to enlighten the minds by torturing the bodies of Quakers.[1] Is it not enough to make the blood boil to read of two respectable New England women fleeing to Virginia, and there, at the instigation of the Massachusetts government, receiving, in the words of old Bishop, "thirty-two stripes apiece, with a nine-corded whip, three knots in each cord—being drawn up to the pillory in such an uncivil manner as is not fit to be rehearsed, with a running-knot about their hands—the very first lash of which drew the blood and made it to run down in abundance from their breasts;"[2] and after being deprived of all their goods, to be banished from Virginia? And if such treatment drove Quakers, as it did, into the wilderness of North Carolina, where (God be thanked) they were permitted to stay in peace, unpersecuted and unwhipped,—we ask, which best deserved to be called a harbor for rogues, the place to which they fled, or that from which they came? We care not whether such treatment came from Prelatist or Puritan; we are sure it was not taught by CHRIST: and, come from where it may, we shall never hesitate to express our sense of it by the two words, *damnable wickedness.*

Some, at least, of the first permanent settlers of North Carolina were men and women fleeing from treatment in Virginia such as we have described; and from Massachusetts also they afterward came, bearing about them the marks of mutilation in the loss of their ears, and bodies seamed with the imprint of stripes. They

[1] New England Judged, 2d part; by Geo. Bishop: London, 1667, p. 120. [2] Ibid.

were not very numerous, for the whole number of Quakers in America, at that day, was small. As we have stated, the first visit made to them was by Edmundson, who came over from England with George Fox, and the earliest record we have of them is in Fox's Journal. In 1672, these men arrived in Maryland from Jamaica, when Fox immediately dispatched his companion to Virginia and Carolina, while he made his way northward. Edmundson went as far as the settlements on Roanoke River, and then rejoined Fox at the North. In September, 1672, both went together into Carolina,[1] where they remained eighteen days. On the Roanoke (which they descended) and its tributaries, he found no members of his society: "there were no Friends in that part of the country," is his statement. The largest portion of them were situated more to the eastward, in what is now Perquimons and Pasquotank counties. Fox and Edmundson held meetings, and these were the first public assemblages for religious worship ever seen in the province. Curiosity in some, and a better motive, we may hope, in others, brought the people together, and among the hearers were the governor and his secretary, the last-named of whom was professedly a Quaker. To a great many, the scene was perfectly novel; and as they sat in the midst of the silent assembly, some of the men, with no irreverent feeling, however, quietly lighted their pipes and smoked from beginning to end of the meeting. In the absence of all regular ministrations of the Gospel (for there was no minister in the whole country), the better disposed were glad to see an approximation to the recognition of God in public worship, even though it were in a mode unfamiliar to them, and possibly not as agreeable as that to which they had been accustomed in old England. They were not willing to be heathens, and several of them therefore joined the society. Fox probably organized their system for them, instructed them in the principles and practices of the sect, and established meetings among them. At any rate, certain it is that from this period onward we catch occasional glimpses of them as an organized body, and find them, some years later, fully established, and exercising no small influence in provincial affairs. Fox, after sharing in the

[1] Fox's Journal, vol. ii. p. 171: Leeds ed. of 1836.

boundless hospitality for which the country was and still is proverbial, departed; and the first distinct view we obtain, after his visit, is in 1695, when John Archdale came over as governor. He was one of the proprietors, and belonged to the society of "Friends;" it was not, therefore, surprising that his presence added to the strength and influence of the Quakers. Many of them were for the first time put into offices, and many, finding that the road to preferment was through membership in the society, renounced their adherence to the Church of England and enrolled themselves as "Friends." The council, the courts, and the Assembly soon showed the preponderance of Quaker influence; and it was not without great exertions, and after some time, that the Churchmen at last succeeded in getting the "Vestry act," as it was called, through the legislature, and thus succeeded, in part at least, in regaining the ground they had lost. The Quakers, though numerically the minority, possessed advantages in their spirit of perfect union, and of perseverance and industry in their opposition to the Church. They watched every movement with sleepless vigilance: their organization into monthly meetings afforded ample opportunity of periodical interchange of opinion and adoption of plans; and once adopted, noiselessly but most effectively they worked in their execution. They were far wiser in their generation than those whom they opposed; and, as we shall see hereafter, succeeded for a time in completely prostrating all civil power but their own.[1]

They are next brought to our notice in the narrative by Thomas Story, an English Quaker, of a visit he made to them in 1698. On the 11th of December, in that year, he entered the Chesapeake, and landing in Virginia, soon crossed the borders, and began his work in Carolina with a zeal and earnestness somewhat increased by having seen in Virginia some of the victims of New England bigotry, who, with earless heads and lacerated backs, told him the story of the humane efforts that had been made for their conversion on the pillories of the orthodox and at the cart-tails of the Puritans in Massachusetts.[2]

The first place at which Story held a meeting was on Perqui-

[1] MS letter of Mr. Gordon to the society, ante, p. 302.

[2] Life of Story, 155. Bishop's New England Judged, pt. 2, p. 41. Case of John Copeland.

mons River, at the house of one of his society named Francis Tomes, a member of the provincial council: this was attended by a large number of persons, including several of note, both male and female; though "the noises and elevations of some professing truth occasioned their admiration, and was hurtful to them."[1] This was the more remarkable, as the meetings of the "Friends" are apt to be characterized by silence and stillness more than by "noises and elevations." The scene was probably new to many of those present, who came anticipating the quietness and gravity which they had heard attended the devotions of these new religionists. From this meeting Tomes conducted Story to the lieutenant-governor, Harvey, by whom, on the presentation of his introductory letters from England, he was kindly received and hospitably treated. On the 9th of January, 169⅞, he held another meeting at the house of Henry White, on Little River. This, he says, "was small, but well and tender."[2] He remained in this part of the country, holding meetings "where many were tendered," until the evening of the 13th, when he crossed the Sound, and "went to a meeting at the widow Anne Wilson's." This "consisted for the most part of Friends, and was a very tender and open meeting." The next day he returned to Virginia. As Story confined his visitation and preaching exercises mostly to Perquimons, it confirms what we gather from other sources, that the most numerous body of Quakers in the province lived at that day in that precinct. It will be remembered that when Mr. Adams and Mr. Gordon came afterward, in 1708, they found most of the society dwelling in Perquimons and Pasquotank.

We would remark in passing, that the picture which Story presents of the border settlers on the Virginia side of the boundary, is not such as to induce a belief that they were blessed with more piety than their despised neighbors of Albemarle; though a great deal more has been sometimes claimed for them. He remarks, "There is no meeting of Friends in that place, nor any [i. e. Friends] dwelling there, but a very rude, senseless people, devoid of all relish of truth, and of the fear of God in general: yet to the meeting many of them came; some were civil, others tender; but

[1] Life of Story, p. 157. [2] Ibid.

the bulk of them, airy, wanton, and scoffers; sometimes rushing into the meeting and leering under their hats, and then again running out of the house, mocking at what they had heard, both to the great disturbance of the few who were sober, and us who went to visit them in the goodness of God."[1]

On the 1st of April, 1705, seven years after his first visit, we again find Story in North Carolina, and on this occasion he went to Pasquotank as well as Perquimons. On the 3d of April he attended a large meeting in the last-named precinct, and again shared the hospitality of his old friend Tomes, whom he found yet living and an influential Quaker. On the 5th he held a meeting at Yaopim, and on the 7th was in Pasquotank, in attendance on a monthly meeting at Caleb Bundie's, on *New-begun Creek*, "where" (he says) "the Lord gave us a very comfortable and open time in his presence." On the 8th he had another meeting, "likewise comfortable." The next day he went to the house of John Archdale's son-in-law, Emanuel Low; and after a short excursion, made the next day, to assist at a conference as to the site of an intended meeting-house, he returned to Low's, and had a long conference with Thomas Carey, then deputy-governor of North Carolina. He discussed with him "matters of government," impressed upon him reasons why he should favor the Quakers "against the severity of some laws," and adds that he "found him very inclinable to favor" the Friends as far as he could. Carey was an artful demagogue, who was even then cajoling them into partisanship, which was afterward fully developed in his rebellion. Story remained in the country, holding meetings in divers places until the 13th, when he returned to Virginia. The last meeting was at Upper Perquimons, which, he says, was "the best and most powerful meeting he had in the country."[2]

The only other record of the Friends with which our researches into the doings of the proprietary times have been rewarded, is the very authentic one of their own minutes, from which we have furnished extracts among the preliminary documents of this chapter. These begin in 1702, and though marked by the simplicity and peculiarity of phraseology which characterize the sect, have

[1] Life of Story, p. 159. [2] Ibid., p. 377.

been studied with great pleasure and interest, not only as valuable material for history, but as convincing proof of the existence in the province of a great deal of sterling worth and sincere piety among the members of this ordinarily peace-loving denomination. We may, indeed, sometimes smile at quaintness of expression (and many a Quaker of this day would probably smile with us), but we have no inclination to smile as we read on, and find in the records of the meetings a watchful regard to the preservation of moral discipline, a tender pity for the erring, a Christian effort by fraternal persuasion to bring them back to the right path, a considerate regard of the penniless orphan, a reconciliation of quarrels, a suppression of slanders, and numerous other particulars, all of which show us, that in the unavoidably rude state of an early settlement in the wilderness, when human law was sometimes powerless and sometimes capricious, it was no disadvantage to have in exercise the advisory and disciplinary control of a religious body, ordinarily most peaceful and industrious, to come in aid of the weakness of the municipal authority, and, in some degree, supply its deficiencies. These are benefits so important, that we lose sight of the harmless peculiarities of speech or costume or conduct which may belong to those who render them. Carolina was certainly, in the beginning, better with the Quakers than it would have been without them.

There were, indeed, among them turbulent and factious men, who engaged in the political strifes of the province, and led some of their own sect with them. We shall have occasion to speak of such, and we shall not be their apologists where we think they did wrong: but despite all this, we cannot shut our eyes to much that was good, and especially to the disciplinary action that was always exerted on the side of good morals and Christian deportment. As to their religious views, in some particulars they differ from our own; that, however, only furnishes an additional incentive to watchfulness over ourselves, lest the infirmity of human nature should tempt us, unconsciously, to stray from the path of truth and candor.

The first record we find of the erection of a meeting-house is in the minutes of March 1st, 1703. An order was then made that one should be built in Pasquotank with as little delay as possible:

but we gather no information as to the time of its erection or the site on which it was placed.

The next, was that which has already been mentioned in the narrative of Story's second visit, in April, 1705. His journal informs us, that when he left Emanuel Low's to confer with his brethren on the subject of a meeting-house, he went to the residence of Joseph Jordan; and the minutes of 1705 present the record of a determination by the meeting that a house should be built upon the plantation of Joseph Jordan, at the expense of the "Friends" in Pasquotank.

In 1706, Caleb Bundy appears from the minutes to have asked and obtained the approbation of the meeting to the erection of a house for worship somewhere near his own residence. We have no means of fixing accurately its locality.[1] On Price's map, two Quaker meeting-houses are marked in Pasquotank. The one, on or near New-begun Creek, about midway between the eastern and western boundaries of the county; the other, a short distance southeast of Nixonton. We cannot say how long these localities have been thus occupied.

As to the peculiarities either of discipline or doctrine which characterize the society of "Friends," they are so well known that there is little need of our entering into details on the subject. The extracts we have already given from the minutes of the meetings in Albemarle, will probably afford to the reader information as satisfactory as any we can furnish from other sources; with the additional advantage of deriving it from the language of the "Friends" themselves, thus affording security against the risk of misapprehension or undesigned misrepresentation on our part. If the picture there presented shows the prejudices of the society against Churchmen, it also exhibits the pious pains-taking to guard its own members against what were deemed errors both of life and doctrine; and Quakerism, like all other human organizations, shows, running through its web, the mingled threads of evil and of good. Those whom age and experience have made tolerant of human infirmity, and unbelievers in human infallibility, will look with patience on the evil, and heartily thank God for the good.

[1] Vide Quaker Minutes, ante, p. 321.

It is more pertinent to our present purpose to say, that during the proprietary government, the Quakers, probably, did not at any time amount in number to two thousand; and, indeed, some writers have said that they never constituted more than one tenth of the population. This estimate, however, we believe to be too small. Certain it is, that they always were in the minority. They came almost entirely from Virginia and New England; or it would perhaps be more correct to say, they were all primarily from New England: some, however, among the earliest comers tarrying by the way in Virginia, until persecution frightened them into Albemarle. It is hard to say who were most distinguished among them, though the names of Akehurst and Tomes (both members of the council), Low (Archdale's son-in-law), Simons, Jordan, and Bundy are conspicuous on the records. Leaving now the "Friends," it only remains to conclude this department of our work by a brief notice of the very limited means of education in the province.

Learning.

From what we have already stated, the reader will have perceived that there is but little to be said connected with the subject of letters. While among the higher classes there were those who had been educated in England, there was a large number in humble station who could neither read nor write. The governors, judges, councillors, lawyers, and clergy furnish evidence enough from their several letters and other documents in our possession, that among them there was no deficiency of education. The library at Bath furnished by Dr. Bray, as well as that purchased for Edenton by Mr. Moseley, contained many valuable books, of a character indicating that those in the province who would find interest in their perusal must possess cultivated minds; and it is fair to presume that adaptation to the taste and capacity of the probable readers was not overlooked in the selection of the volumes. Gale, Little, Moseley, and Swan were all men who would have been deemed fit associates for the most intelligent men to be found in any of the English colonies of their day. Moseley proved himself to be a better mathematician than the Virginia commissioners in determining by observation the question of latitude, on

the first attempt to settle the boundary; and on the second the representatives of Virginia were obliged to admit his superior accuracy. On this latter occasion, too, Swan proved himself to be quite the equal of the mathematical professor from William and Mary College. The only dweller in North Carolina, during proprietary times, who appeared before the world as an author (at least, as far as we have discovered), was Lawson, who commenced his career as the deputy of Moseley, who was then surveyor-general, and who afterward held that office himself. He wrote a "History of Carolina," which was published in 1714, after Lawson's death; it then appeared in a collection of voyages by Stevens, and is, we think, authentic and valuable, particularly for its natural history. We have been indebted to it for many facts nowhere else recorded.

As to schools for the children of the common people, there were but few. The reader will not have forgotten one in Pasquotank, under the tuition of Mr. Griffin, to which Quakers and Churchmen alike resorted for the instruction of their children. Mr. Gordon and Mr. Adams have both borne witness to its excellence, and we are disposed to think that it was superior to any other school that existed in the province during the rule of the proprietors. Mr. Gordon, however, saw fit to remove the teacher to Chowan, where he had not equal success, and ultimately fell into habits and practices which destroyed his usefulness entirely.

From one of the letters of the Rev. Mr. Rainsford we learn, that just on the borders of Virginia a school was kept by Mr. Mashburn, adjacent to two Indian towns, some of the children of which were among his pupils. He had been successful in his efforts, having taught all the children under his care to read and write, and grounded them well also in the great truths of the Christian religion. This was in 1712. How long his labors continued we have not the means of knowing;[1] and these are all the schools of which we have found any record during the proprietary government.

[1] Mr. Rainsford's letter to the society, July 25th, 1712.

CHAPTER SIXTH.

CIVIL AND MILITARY HISTORY.

1663—1729.

PRELIMINARY DOCUMENTS TO CHAPTER SIXTH.

SUBJECT:

CIVIL AND MILITARY HISTORY.

1. — **1676.** Lords Proprietors' Instructions to Gov. Eastchurch.
2. — **1676.** Letter of the Lords Proprietors to the Assembly of Albemarle.
3. — **1677.** Remonstrance of Pasquotank to the rest of Albemarle.
4. — **167$\frac{8}{9}$.** Lords Proprietors' Instructions to President John Harvey.
5. — **16$\frac{7}{8}\frac{9}{0}$.** Letter of Lords Proprietors to Governor and Council of Albemarle.
6. — **1686.** Letter from John Archdale to George Fox.
7. — **1710.** Extracts from Col. Pollock's MSS. relative to Carey's conduct.
8. — **1711.** Letter from Rev. Mr. Urmston and Rev. Mr. Rainsford to the Secretary of the Society for Propagating the Gospel.
9. — **1711.** President and Council of Albemarle to the Secretary of State.
10. — **1711.** Letter from Gov. Hyde to Lord Dartmouth.
11. — **1711.** Chief-justice Gale's Letter concerning the Indian Massacre at Bath.
12. — **17$\frac{1}{1}\frac{1}{2}$.** Extracts from Council Minutes, under Gov. Hyde.
13. — **17$\frac{1}{1}\frac{1}{2}$.** Extracts from Council Minutes of North Carolina.
14. — **1712.** Extracts from Minutes of Proprietors' Deputies.
15. — **1712.** Extracts from Col. Pollock's MSS. relative to the Indian War.
16. — **1711.** Letters of Gov. Spotswood on the Indian War.
17. — **1713.** Extracts from Col. Pollock's MSS. after the Indian War.
18. — **1713.** Extract: Gov. Spotswood to the Board of Trade.
19. — **1713.** Extract: Gov. Spotswood further to the Board of Trade.
20. — **1714.** Extract: Col. Pollock to Gov. Spotswood.
21. — **1729.** Letter and Report of Council to Proprietors, concerning Governor Everard.

No. I.

Instructions from the Lords Proprietors to Thomas Eastchurch, appointed Governor of Albemarle in November, 1676.

[*From* Chalmers' *MSS. in* Mr. Bancroft's *collection.*]

Cultivate friendship with the Indians.—See that justice be duly administered.—None to be tried but by a jury of twelve freeholders.—Propose to the Assembly such laws as may best secure the ancient rights of Englishmen.—You are to do all that in you lies to divert the trade of the people under you from those of New England, and to bring them to a more immediate trade with England; it being a certain beggary to your people of Albemarle, if they shall buy goods at second hand, and far much dearer than they may be supplied from England; and withal, sell their tobacco and other commodities at a lower rate than they could do in England. Beside, the people of New England cannot be friends to your prosperity and the interest of our planters, which will certainly in time render them inconsiderable.

Encourage a trade with England and other parts.—Send the exact depth of water of the several inlets where a ship may ride best to unlade; for this has been so concealed and uncertainly reported, as if some persons among you had joined with some of New England to engross that poor trade you have, and keep you still under the hatches.

No. II.

Extracts from a Letter of the Lords Proprietors to the Governor, Council, and Assembly of Albemarle.

[*From* Chalmers' *MSS. in* Mr. Bancroft's *collection.*]

December 16, 1676.

We have received your letters, and do assure you that we neither have, nor will part with the county of Albemarle to any person, but will always maintain the province of Carolina entire, for two reasons: First, that we may preserve you in your English rights. Second, its situation, being contiguous to Virginia, is of importance in planting the rest of the province; which we expected would have had better progress, and that the rivers

Pamlico and Neuse would have been planted, and a way opened to the other plantations on Ashley River.

We are well satisfied with your proceedings in general; but we must blame you and disallow of your sending Thomas Miller or any other person to be tried in Virginia, which is of prejudice to our authority. And we utterly condemn your trying any person without a jury; and [enjoin] that no evidence, clandestinely taken, be allowed.

We have earnestly pressed the settlement of the south side of Albemarle River, and as much as may be, in towns; that being a frontier settlement. For otherwise you will not continue long civilized.

No. III.

Remonstrance of the Inhabitants of Pasquetanke, to all the rest of the County of Albemarle.

[*Reprinted from* Chalmers' *Annals.*]

First, the occasion of their seizing the records and imprisoning the president is, that thereby the country may have a free parliament, and that from them their grievances may be sent home to the lords; which are briefly these: In the first place (omitting many heinous matters), he denied a free election of an Assembly, and hath positively cheated the country of one hundred and thirty thousand pounds of tobacco, which hath raised the levy to two hundred and fifty pounds of tobacco a head more than otherwise it would have been; beside, near twenty thousand pounds of tobacco charge he hath brought upon us by his piping-guard. And now Captain Gillam is come among us with three times the goods he brought last year, but had not been two hours ashore, but, for the slip of a word, was arrested for one thousand pounds sterling; and many affronts and indignities put upon him by the president himself; insomuch that, had he not been earnestly persuaded by some, he had gone directly out of the country. And the same night, about midnight, he went on board with a brace of pistols, and, presenting one of them cocked, to Mr. George Durant's breast, and with his other, arrested him as a traitor. And many other injuries, mischiefs, and grievances he hath brought upon us, that thereby an inevitable ruin is coming (unless prevented), which we are now about to do, and hope and expect that you will join with us therein. And subscribed this the 3d December, 1677.

(Signed by thirty-four persons.)

Extract of the Case of the Commotions of Albemarle, presented by the Proprietaries to the Committee of Foreign Plantations.

Mr. Cartwright, the governor,[1] returning to England, left the government in ill order and worse hands; the proprietaries resolved to send another governor, and such a one as would put in execution their instructions, orders, and designs: the former governors having very much failed them, especially in two points. The first was, the encouraging the New England trade there; the second, the discouraging the planting on the south side of the river Albemarle. The latter was extremely the interest of the proprietaries; but crossed always by the governors and some of the chief of the country, who had engrossed the Indian trade, and feared that it would be intercepted by those that should plant further amongst them.

The illness of the harbor was the cause that this northern part of Carolina had no other vent for their commodities, but either by Virginia, where they paid a duty to the governor, or to New England, who were the only immediate traders, and ventured in small vessels, and had so managed their affairs that they bought their goods at very low rates, eat out and ruined the place, defrauded the king of his customs, and yet governed the people against their own interests. To cure these evils, the proprietaries made choice of one Mr. Eastchurch to be their governor, whom we dispatched in the summer of 1677, together with Mr. Miller, who was the king's officer, and made by us one of our deputies. They took their passage to Nevis, where Mr. Eastchurch, meeting with a woman of a considerable fortune, married her, and sent away Mr. Miller to Carolina, to settle affairs against his coming, who carried with him a commission, as president of the council, till his arrival, with very full powers. He was quietly received and submitted to as governor and collector. In discharge of the last he made considerable progress; but, as governor, he did many very extravagant things, whereby he lost the affections of the people. In the mean time there arrive Captain Gillam, in a small armed vessel, with Durant; and about the same time, Culpeper, who, finding that Miller had lost his interest, stirred up a commotion, seized him and all the writings belonging to the proprietaries, and the tobacco belonging to the king's customs, which they employed in supporting their unlawful actions. Culpeper was a very ill man, having some time be-

[1] This name is erroneously written by most of our predecessors. From the signature of the governor himself, on some of our early records, it appears to have been *Carteret*. Gov. Swain examined the subject carefully, and both he and the author were satisfied that the true name of the governor was Peter Carteret, who is described, in one document, as being "of the island of Jarsey, in the county of Hampshire, Esq."

fore fled from South Carolina, where he was in danger of hanging, for endeavoring to set the poor people to plunder the rich. Gillam, he, Crawford, and some other New England men had a design (as we conceive) to get the trade of this part of the country into their own hands for some years at least, and not only defraud the king of all his customs, but buy goods of the inhabitants at their own rates. When these men had formed themselves into what Culpeper called the government of the country, Mr. Eastchurch arrives in Virginia, whose commission and authority they had not the least reason to dispute; yet they kept him out by force of arms, so that he was constrained to apply to the Governor of Virginia for assistance to reduce them, which had been done, but he unfortunately died. Presently after, the insurgents sent two commissioners to promise all obedience to the proprietaries, but insisting very highly for right against Miller.

Extract of a Representation, presented to the Proprietaries.

The rebellion of the inhabitants of Albemarle was not accidental, or arose from any sudden provocation; but rather was the effect of a deliberate contrivance, which appears from these particulars, that can be proved by undoubted witnesses. The heads of the rebellion at several times disturbing the courts of justice, subverting the government, dissolving parliaments; their industrious labor to be popular by continually making factions and parties; their poisoning the people's ears and disquieting their minds, by diffusing abroad dangerous and false reports—viz., that the proprietaries intended to raise the quit-rents to twopence, and from that to sixpence an acre; their general arming upon the first appearance of Gillam's ship in Pasquetanke River, and imprisoning the proprietaries' deputies, and putting the president in irons; their arrogating to themselves the supreme power, by first dissolving, then erecting, courts of justice, by convening parliaments without writs, and appointing all officers.

Report of the Lords of the Committee of Plantations.

May it please your Majesty:—

In obedience to your majesty's order of council, of the 4th instant, we have heard the complaint of the commissioners of the customs against John Culpeper; and, being attended by the lords proprietaries of Carolina, we are fully satisfied that the said John Culpeper hath, by divers seditious practices, abetted and encouraged a rebellion in that province, whereby seven of

the lawful magistrates, deputies to the lords proprietaries, were all imprisoned (the eighth of them only being drawn into that confederacy); and that the said John Culpeper, by color and force of that rebellious authority, imprisoned the collector of your majesty's customs; and, having seized into his own hands the customs belonging to your majesty, did, by a proclamation in his own name, declare himself the lawful collector, endamaging your majesty's custom to a considerable value. All which being proved by oath before us, the said Culpeper acknowledged the facts, and lays himself at your majesty's feet for your gracious pardon. And, in case your majesty shall not think fit to extend your mercy toward him, he desires he may be tried in Carolina, where the fact was committed. But, withal, the commissioners of your majesty's customs humbly beseech your majesty, that no favor may be shewed him, unless he make or procure satisfaction for the customs seized and embezzled by him, which we are informed do amount to three thousand pounds sterling. All which, &c.

Anglesey,	L. Hyde,
Bridgewater,	Lauderdale,
Worcester,	H. Coventry.

No. IV.

Memorandum of Instructions given by the Lords Proprietors to John Harvey, temporary President of Albemarle.

[*From* Chalmers' *MSS. in* Mr. Bancroft's *collection.*]

February, $167\frac{9}{8}$.

1. Send him a model of government. 2. To issue writs to the four districts to choose each five delegates, who, with the five appointed by us, are to represent the nobility. The delegates to choose five, who, being joined by the others, are to be the council, which is at present to answer the use of the Grand Council. 3. All to swear allegiance. 4. With consent of the council, to establish courts. 5. To make laws. 6, 7. Grants of lands: Sir W. Berkeley granted lands at one quarter per acre, Assembly at one half, and now one penny per acre. Shall command the forces; and with the consent of the council, adjourn the Assembly. Send, at the same time, the temporary laws, &c., to be rule of government, until Sothell shall arrive.

No. V.

EXTRACT OF A LETTER FROM THE LORDS PROPRIETORS TO THE GOVERNOR AND COUNCIL OF ALBEMARLE: DATED FEBRUARY 5, $16\frac{8}{79}$.

[*From* CHALMERS' *MSS. in* MR. BANCROFT'S *collection.*]

We have sent you our instructions or temporary laws, and fundamental constitutions which are to be your guide in the government of the said county; and we hope that your own interest, as well as our injunctions, will induce you to use your utmost endeavor to settle order and quiet amongst you, without which you can never expect an increase of strength or trade; which consideration we hope will so far prevail, that we shall not be constrained to use force to reduce the seditious to reason. The good of all the inhabitants of our province we most desire, and not taking away any man's life or estate.

No. VI.

JOHN ARCHDALE TO GEORGE FOX.

[*Reprinted from* BOWDEN'S *History of the Society of Friends in America.*]

NORTH CAROLINA, *25th of First Month*, 1686.

DEAR AND HIGHLY-ESTEEMED FRIEND:—

I have written unto thee formerly, but as yet have received no answer, which makes me doubt the miscarriage of mine: and, indeed, for the present, we have not immediate opportunities to send to England, by reason there is no settled trade thither; which, notwithstanding, may conveniently be effected in its proper season, there being commodities, as tobacco, oil, hides, and tallow, to transport thither: and Hollands busses may come in safety of about 150 tons, drawing about nine feet of water. The country produces plentifully all things necessary for the life of man, with as little labor as any I have known; it wants only industrious people, fearing God. We at present have peace with all the nations of the Indians, and the great fat king of the Tuscaroras was not long since with me, having had an Indian slain in these parts. He was informed it was by the English; but upon inquiry I found out the murderer, who was a Chowan Indian, one of their great men's sons, whom I immediately ordered to be apprehended; but the

Chowan Indians bought his life of the Tuscarora king for a great quantity of wampum and bage. This Tuscarora king was very desirous to cut off a nation of Indians called the Matchepungoes; which I have at present prevented, and hope I shall have the country at peace with all the Indians and one with another. The people are very fearful of falling into some troubles again if I should leave them before my brother Sothell returns, which makes my stay the longer. This Tuscarora king seems to be a very wise man as to natural parts. Some of the Indians near me are so civilized as to come into English habits, and have cattle of their own; and I look upon their outward civilizing as a good preparation for the Gospel, which God in his season, without doubt, will cause to dawn among them. I wish all that had it had been faithful; then had the day broken forth in its splendor as it began. I am sure God forsakes none but the unfaithful, who by disobedience are cut off; whereas the obedient come to be grafted into the true stock, through the growth of the holy seed in their minds and hearts. O that my spirit were thoroughly purged and established by that power which is the Rock of ages, the foundation of all generations! but blessed be God, I possess more than I ever deserved, and desire patiently to wait for the accomplishment of his inward work of regeneration; which is a word easily writ or expressed, but hardly attained. What I writ unto thee in my former I cannot but again repeat; which is a desire to be had in remembrance by thee, having a faith in the power that was by thee, in this last age of the world, first preached, and convinced me in the beginning, and separated me from my father's house; the sense of which love I desire may forever dwell upon my spirit, and in the end bring forth the true fruit of regeneration. I wish these parts had been more visited by Friends, if it had been the will of God: however, the immediate sense and growth of the Divine seed is encouragement to all that witness the same. Thus with my true and real love to thee in my measure of the truth, I rest thy loving friend,

No. VII.

Extracts from Col. Pollock's Letter-book.—1710.

President Glover's writ for choosing Assemblymen being read by the deputy-marshal, Daniel Halsey, and Colonel Carey's writ likewise read by one Robert Fendall, whom Colonel Carey had appointed for that end, the people went to electing; and five being chosen, the electors were polled, being ninety-four, and those against them being likewise polled were only sixty-five, counting several that were but boys and otherwise unqualified. Notwithstanding which fair election, Mr. Mosely, not approving of the choice, he with those other, being in all but sixty-five, would needs name other five by themselves; and Mr. Mosely and some others of his party making quarrels among the people, which, if Colonel Pollock (being on a plantation of his that joined on the election-field) had not hindered, and persuaded the people to keep the peace, would have ended in blows.

On the eleventh of October the Assemblymen met at Captain Heckle-field's, nine coming from Chowan precinct, five of which were returned by the deputy-marshal as chosen by the majority, with the electors' names, being ninety-four: and Robert Fendall, whom Colonel Carey had appointed, returned both the five chosen by the majority, also the other five chosen by Mr. Mosely and his party—being but sixty-five, including boys and all. Four of this last five only appeared; the other, thinking his election not to be legal, stayed at home.

All the nine, presently on their meeting, were commanded by the rest out of the house; and then immediately the four chosen by Mr. Mosely and his party called in again, Mr. Mosely himself being one of them; and the other five who were chosen by the majority, were forcibly kept out, and would not so much as hear what they had to say; and then chose Mr. Mosely speaker, and presented him to Colonel Carey and his pretended council.

But the Quakers would show themselves singular, coming to the table in the council with their hats on, laid their hands on the Book, and repeating the words of the oath, except the word *swear*, which they would not pronounce, but the word *declare* instead thereof; and then, having had their explanation of the sense or meaning in which they took it entered underneath, they signed it, without kissing the Book, and declaring that they would allow that sense and explanation of theirs, and no other. * *

I had myself as great a kindness for Colonel Carey, as you can, as long as he went in the right way. But when drawn aside by Mr. Porter and three or four more, joining with him to pretend to be deputy-governor, I could no longer stand by him; for the overthrowing of the present lawful government, and the bringing all into confusion, is of such public concern that it must needs outvie any present friendship. For shall we keep him in deputy-governor when the proprietors have absolutely laid him aside? How can we answer it to them? Are we of ability to keep him in, in spite of the lords proprietors? Shall we not in doing of it bring ruin upon ourselves? Wherefore, sir, be well advised what ye do. For Wm. Glover, Esq., is lawful president, being chosen by five deputies, and acknowledged and confirmed by the other four, by sitting, acting, and signing under him; as particularly at a council held at my house, where the president and all the council met, viz., Colonel Carey, Mr. Porter, Mr. Foster, and myself, being then all that were of the council, who sat, acted, and signed with William Glover, Esq., as president, not only to several commissions, whereof one was to the court of Pamplico, which I believe you have seen, but also to a proclamation, commanding the peoples' ready obedience to the then government; one of which was sent to Pamplico, which I believe you might also see, being all signed by the Honorable William Glover, Esq., as president, Colonel Thomas Carey, Mr. *John Porter*, Mr. Francis Foster, and myself.

A Copy of a Letter to Mr. Chevin and Mr. Boyd.

Gentlemen :— Virginia, *April* 16, 1710.

I should have been glad to have had the happiness of enjoying your good company with the president and Mr. Knight's, and still hope (when your leisure permits) you will come and spend a day or two with us in this wilderness. I thought it my duty to communicate to you what news I lately had in a letter from Mr. Frederick Jones. He writes to me that Mr. Lawson, having being lately at his house, informed him that the lords proprietors are desirous of having Colonel Carey called to a strict account for their dues; and that also (after their ambiguous manner) they have directed some warrants and precepts to the president and council; and, by what he could gather from Mr. Lawson, not naming Colonel Carey, but he seemed rather inclined to believe, if directed to any person, they are to President Glover. So that Mr. Jones thinks it would be proper that some person should discourse Mr. Lawson in order to concert such proper methods as may put the government again on its proper foundation; to which he seems to think

Mr. Lawson may be persuaded to incline, both on the lords proprietors' account and also on his own.

Now as I am very much persuaded that the lords proprietors would not direct any writings, precepts, or warrants to Colonel Carey as president, nor any wise acknowledge the legality of his pretended presidentship, so likewise, I am apt to believe, they would not direct them to President Glover. My reason is, because the lords proprietors, knowing what confusion is in the country, they would not be willing, by openly joining either party, to foment the difference, until the governor or deputy-governor arrive. But it seems more reasonable to me (considering the lords proprietors' common way of acting) to believe that these writings are only directed to the president and council, without naming any particular person, with some instructions to Mr. Lawson or Mr. Gale how they shall proceed therein. And I believe it were very necessary to dissuade Mr. Lawson all you can from applying in any manner to Colonel Carey as president; and I believe it would do very well to assist at this time President Glover with what you can, with your advice and otherwise. What news you have from Mr. Gale or any otherwise of moment, please to acquaint me by the bearer, and of the proceedings of this last (wise?) council at Pequimons, if they had any; and if any news of any moment come to me, you may be sure to have them from him who really is, gentlemen,

Your obedient servant,

THOMAS POLLOCK.

COLONEL POLLOCK TO GOVERNOR HYDE.

HONORED SIR:— BLACKWATER, *August* 29, 1710.

I humbly congratulate you on your safe arrival. For having removed myself from North Carolina here in the borders of Virginia, because I would not live under a government I knew was altogether illegal, I have therefore earnestly wished for your honor's arrival ever since I knew you were designed here; that the government being settled, I might remove myself to my habitation, not doubting (by the great and good character you have) that you will settle our religion, laws, and liberties on such sure foundations that they may never more be in danger to be insulted and trodden down by Quakers, atheists, deists, and other evil-disposed persons; and healing all our differences, distractions, and disorders, encouraging trade, and protecting the people in all their just rights and privileges, you may be happy in performing so great and good a work, and the people happy under so good a governor. The doubt of the certainty of your honor's being arrived, and

the uncertainty to meet you, hath hindered me from waiting on you at this time; but (God willing) intend to wait on you as soon as you arrive in North Carolina.

No. VIII.

Rev. Mr. Urmston to the Secretary of the Society for the Propagation of the Gospel.

[*From MSS. belonging to the author.*]

Sir:— North Carolina, *July* 17, 1711.

Since my last of the 7th, the rebels, after a shameful defeat in their wicked attempt against the governor and council, dispersed themselves. Some fled into Virginia, where they will be met with; others have absconded, but so as to be ready at a call. The Governor of Virginia is expected in by land with forces, and Captain Smith, commander of his majesty's ship the *Enterprise Guard Ship* in Virginia, brings with him a sloop and marines, so that there will be search made for the enemies; they will, I hope, be apprehended, and disabled from ever making head again, except they are protected and assisted in their villainy by Danson, their old friend. They have sent divers to him to make their complaint, by this fleet, and are very confident they shall turn out Colonel Hyde and his council, and have the whole management of affairs in their own power: if the proprietors are so negligent of us, surely the society will interpose and engage the queen to take us under her protection; otherwise there will be little hopes of establishing the Church or any good order. I have been dreadfully threatened by them, and if they prevail must not expect to stay here.

Madam Hyde, the governor's lady, with Mr. Knight, secretary of this government, come over with the same ship: she has a copy of all proceedings as sent to the proprietors, which is to be given to my Lord Rochester, who will doubtless acquaint her majesty and privy council therewith.

I told you in my last, I think, that several Quakers bore arms, and more are ready so to do; and, if that will not do, they threaten to bring in the Indians upon us. Danson sent hither from England one Roach with some goods, and a dozen or fourteen great guns and ammunition, under pretence of building a ship, but it is verily believed they were designed for our ruin: many of them were mounted on board a brigantine which was manned by the rebels with small arms, but upon their dispersing was since taken by our forces with three men only in her, and all the great guns and ammunition. This is a considerable addition to our strength, and now many who were

intimidated by the audacious impudence and cruel menaces of these rascals, now daily join the government; and others, who were for the adversaries, are disheartened from acting against us: so that at present things have a better face, and we shall, I hope, be in quiet, till news from England. Except Colonel Hyde have a commission from the queen, he will either be turned out or not obeyed, so great is Danson's influence over the rest of the proprietors. These are with all humble respects to the honorable society from,

Sir, yours, etc.,

JOHN URMSTON.

P. S.—As for the rebels I am not much concerned, but it is grievous to hear the complaints of the poor men and families, who have been so long in arms, that they have lost their crops and will want bread; the ravage and plunder the enemies have committed has ruined others. Another instance of the Quakers' knavery I cannot omit, which concerns you to know, as having been commissioner for the palatines. Baron de Graffenreid, with his people, must have starved, if not supplied by others here. He had an order from the proprietors, *i. e.*, Danson, for the rest never concern themselves, to receive £1500 here, for which he was to pay 1000 sterling; a great cheat, for £1000 sterling is worth £3000 here in our pay. Danson in his letter to his friends here bragged they should get an estate by these foreigners. Cary, the late usurper of this government, and now head of the rebels, was to pay it out of the proprietors' dues which he had received: he was arrested and made his escape. What reason then have they to protect him, to prevent others from supplying the baron in his great distress? Roach and the Quakers reported that the baron had no credit in England, nor had he any money anywhere. Through ill usage in their way hither and since their arrival, of nine hundred palatines, there are but three hundred now alive, and those ready to starve: through the instigation of the English who live near them, the neighboring Indians are very troublesome to them. In the beginning of this present rebellion, the baron with the Swiss and palatines would have joined the governor, but were threatened with fire and sword,—the English and Indians designed to destroy them and all they had; such encouragement do the proprietors give people to come into their colony.

I have written a very tart letter to Sir John Colleton, a proprietor, concerning all matters; whether pleased, or displeased, it matters not: the proprietors promised me all friendship and favor, but as yet never shewed any, and I believe never will.

[Our remarks concerning John Urmstone, in the chapter on religion, will have prepared the reader for the remark, that the statements contained in

his letters are always to be received with great caution. We never accept them as truths, unless we find corroborative evidence. The death of six hundred palatines, for instance, which he here affirms, is a falsehood.]

Extract from the Rev. Mr. Urmston's Letter to the Secretary.

North Carolina, *July* 7, 1711.

There were several Quakers that bore arms in a late attempt upon Colonel Hyde, which was carried on with great cunning, malice, and rage; but the aggressors were happily repulsed, and what further wickedness they are contriving, time will show. They rove about the country in great bodies, ravage and plunder all such as are not on their side. It would be too tedious to give you a succinct account of every thing that has passed since the first beginning of the confusions of this unhappy government—all owing to the Quakers, who, seven or eight years ago, procured one Daniel, a monster in wickedness, to be deputy-governor forever; since this government depended on Ashley River government, that office was for sale, the Quakers thought they could manage him; they grew saucy and he restive; they soon procured another, worse than he, to succeed him, one Cary. They made a purse, and sent one Porter, a known villain, the son of a Quaker, and he one in disguise, to the proprietors, accused the said Cary of many things, indeed gross enough and with a great deal of truth, sufficient to cause him to be turned out. Accordingly he was discharged from the office, and there being no governor at Ashley River—Sir Nathaniel Johnston being put out by the whigs—this Porter brought an order to the council to choose, as was customary in such cases, one of their brethren to be president, till a governor was appointed. Mr. Glover, a sober, discreet, and the only man of parts in the country, was chosen. The Quakers dislike him, and, by the force of arms, thrust in Cary, whom the proprietors had deposed, into the presidentship. Here were two presidents: one appointed by the lords proprietors, and the other set up by the roguish Quakers; neither was obeyed—the honest party would not obey Cary, nor the other Mr. Glover; so that, for two years and upward, here was no law, no justice, no Assembly, or courts of judicature, so that people did and said what they listed. Oliver's days come again. Colonel Hyde arrived, but, through Colonel Tynte's death, had no commission; he was chosen president by all sides, after long debates; he persists in Mr. Glover's opinion of not suffering the Quakers, who had deputations, either forged or granted, by those who were not proprietors, to be of the council, or have any thing to do in the administration;

an Assembly was called with much difficulty; we had the majority. As to what has been transacted in temporals, I must refer to the president and council their journal, if you can get a sight of it, which is laid before the proprietors, or a copy which I believe my Lord Rochester will have to show the queen and council, and beg your pardon and patience while I add what relates to the interest of the Church.

Extracts from the Rev. Mr. Rainsford's Letter to John Chamberlaine, Esq.

Chowan, in North Carolina, *July* 25, 1712.

I presume you are no stranger to the Indian war which has some time since begun, and continues in the barbarous massacres of so many English inhabitants, most families of Pamplico hourly feeling the effects of their cruelty; nor truly can the governor promise himself one hour's safety, being continually alarmed by the Tuscarora spies in his own quarters. Colonel Boyd was the other day sent out with a party against the Indians, but was unfortunately shot through the head, and few of his men came home, but shared in his fate, and fell sacrifices to the same common misfortune. They skulk so in parties in the woods, that common prudence obliges the inhabitants (as the surest method of preservation) to keep to their plantations; and several of them told me that when they lie down in their beds (they are so often invaded) that they can't say that they shall rise to see the morning. Assistance is sent for to Ashley River, and Colonel Hyde flatters us with the hopes of either cutting them off, or obliging them to peace; but alas, I fear, all this without reason.

I like the country far better than any I have hitherto seen, and certainly by nature it is one of the best in the world; and were but the inhabitants freed from the dangers of the war, they might enjoy the blessings of plenty as well as all other comforts of life.

[extract.]

Rev. Mr. Rainsford to the Secretary.

Chowan, North Carolina, *February* 17, 1712–13.

Honorable Sir:—

Since my last to you on the 25th of July, with deep concern I am forced to tell you that this country has been miserably reduced by Indian

cruelty. The inhabitants are brought to so low an ebb by this unhappy war, that rather than expose themselves to their enemies, they have most of them quitted their plantations, and entirely thrown themselves on the Virginians for relief. The Governor of South Carolina has sent eleven hundred Indians in order to relieve this government, and Colonel Pollock, our president, with his council, has levied five pounds on every tithable, six bushels of corn, a quarter part of all their wheat, for the maintenance and support of these Ashley River Indians. The stocks of our English inhabitants are all destroyed by their coming to this country; and their poverty is so great, that Virginia has given £1000 sterling to relieve them, with 900 yards of Duffile to clothe them; so that, should they conquer their enemies, without the charitable support of the proprietors, they can never afterward be able to subsist. This is a true account of the miserable state the country now labors under, as may appear by Governor Spotswood's hint in the inclosed to me. I have already been taken by the savages in my journeys to one Adams to preach, and after a little conference let go, but guarded by two of them out of the parts. There is scarce a man now on the north shore of Chowan River, which borders on Virginia, to be found; and as for the women, they won't leave their plantations to go to a house where I make an appointment to preach; so that very little good at the present juncture can be expected from us.

No. IX.

Minutes of a Letter from the President and Council of Albemarle to the Secretary of State: dated August 11, 1711.

[*From* Chalmers' *MSS. in* Mr. Bancroft's *collection.*]

States that Colonel Carey and others had been seized, at the request of the governor and council, by Colonel Spotswood of Virginia. At the Assembly, in March last, Carey and Porter had been impeached of crimes, and committed to the custody of the marshal, but escaped. And they, with other evil-minded persons, chiefly Quakers, raised an insurrection, and endeavored to draw unto their conspiracy the neighboring Indians, armed a vessel: beg for leave to produce their evidence against them, as they were sent to England before they had notice.

For three years last past, the country has been in a state of anarchy, and

now greatly impoverished. Should consider it, therefore, as an act of compassion to them if the prisoners were sent to Virginia for trial, because the charge of trial in England would ruin the country.

Signed, among others, by BARON DE GRAFFENREID.

No. X.

MINUTES OF A LETTER FROM GOVERNOR HYDE TO LORD DARTMOUTH.

[*From* CHALMERS' *MSS. in* MR. BANCROFT'S *collection.*]

August 22, 1711.

That it is a hard lot to be placed in a government where he found that nothing but sedition had been industriously cultivated, and rebellion too much practised. This is the third rebellion that Colonel Carey has headed since he came into Carolina: had seized Judge Trott in South Carolina; praises Spotswood for his aid, &c.; prays for time to send over his evidence and proofs; solicits a commission to try him in Virginia, on account of the poverty of the country; has been barbarously used by a people that he never offended. But the Quakers have, ever since he came, endeavored to overturn the Church government, have crushed it with force, having taken up arms themselves. Porter, who now goes to England, had endeavored to bring down the Indians.

No. XI.

A LETTER FROM MAJOR CHRISTOPHER GALE, DATED FROM CHARLES TOWN, IN NORTH CAROLINA, NOVEMBER 2, 1711.

[*Reprinted from* NICHOLLS' *Literary Illustrations, vol. iv. pp.* 489–492.]

MY DEAR :—

I cannot omit, by all opportunities, to inform my second self that you have still living in a brother the most faithful friend that ever was, though perhaps by as signal a hand of Providence as this age can demonstrate.

I will not trouble you with repetitions, but refer you to the after-written memorial which I laid before the government, and shall only acquaint you how far I had been concerned in the bloody tragedy, if kind Providence had not prevented.

About ten days before the fatal day, I was at the baron's, and had agreed with him and Mr. Lawson on a progress to the Indian towns; but before we were prepared to go, a message came from home, to inform me that my wife and brother lay dangerously sick; which I may call a happy sickness to me, for on the news I immediately repaired home, and thereby avoided the fate which I shall hereafter inform you.

The baron, with Mr. Lawson and their attendants, proceeding on their journey, were, on the 22d of September (as you will see by the memorial) both barbarously murdered; the mat, on which the baron used to lie on such like voyages, being since found all daubed with blood, so as we suppose him to have been quickly dispatched. But the fate of Mr. Lawson (if our Indian information be true) was much more tragical, for we are informed that they stuck him full of fine small splinters of torchwood, like hogs' bristles, and so set them gradually on fire. This, I doubt not, had been my fate if Providence had not prevented; but I hope God Almighty has designed me for an instrument in the revenging such innocent Christian blood.

On Sunday, October 21, I arrived here in the quality of an agent, and in order to procure the assistance of the government to destroy our enemies, which I doubt not in a little time to effect. The family I left in garrison at Bath town, my wife and brother pretty well recovered; but what has happened since, I know not. Two days after I left the town, at daybreak (which is the Indians' usual time of attack), above 100 guns were heard, which must have been an attack made by the Indians upon some of our garrisons, which are in all eleven in number; but cannot hear the success of it, though a small vessel came from the out part of our government there the other day, by which I have the following news: that on my coming away, Captain Brice detached from our out-garrisons fifty men, and in the woods met with a body of Indians, who fought them three days, and forced them at last to retire into their garrison. The Indians lost in this engagement fifteen men, and we took two, one of whom was killed by one of our men. During this engagement, another body of the Indians, being advised that the garrison was weakened by this detachment, came and attacked the garrison, and at the same time a number of Indian prisoners of a certain nation, which we did not know, whether they were friends or enemies, rose in the garrison, but were soon cut to pieces, as also those on the outside repelled. In the garrison were killed nine Indian men, and soon after thirty-nine women and children sent off for slaves. This is the condition we at present labor under. I shall not trouble you with a particular relation of all their butcheries, but shall relate to you some of them, by

which you may suppose the rest. The family of one Mr. Nevill was treated after this manner: the old gentleman himself, after being shot, was laid on the house-floor, with a clean pillow under his head, his wife's head-clothes put upon his head, his stockings turned over his shoes, and his body covered all over with new linen. His wife was set upon her knees, and her hands lifted up as if she was at prayers, leaning against a chair in the chimney corner, and her coats turned up over her head. A son of his was laid out in the yard, with a pillow laid under his head and a bunch of rosemary laid to his nose. A negro had his right hand cut off and left dead. The master of the next house was shot, and his body laid flat upon his wife's grave. Women were laid on their house-floors, and great stakes run up through their bodies. Others big with child, the infants were ripped out and hung upon trees. In short, their manner of butchery has been so various and unaccountable, that it would be beyond credit to relate them. This blow was so hotly followed by the hellish crew, that we could not bury our dead; so that they were left for prey to the dogs, and wolves, and vultures, whilst our care was to strengthen our garrison to secure the living.

The ship by which this comes is ready to sail, so cannot enlarge; only desire my duty may be presented to my father and mother, my sincere love to yourself and brothers, and service to all friends, hoping for a speedy answer to my last by Madam Hyde, is what offers from

Your sincerely affectionate brother,

CHRISTOPHER GALE.

FROM CHARLES TOWN, CAROLINA.

The Memorial of CHRISTOPHER GALE *from the Government of North Carolina, to the Honorable* ROBERT GIBS, *Governor and Commander-in-chief, and to the Honorable Council and General Assembly.*

To lay before your honor the prospect or representation of as promising a country as was ever watered with the dew of heaven, would take up more time than the present exigency of the affair I am now set upon would give me leave; but much more time, and a hand more skilful, would be requisite to give you a view of the calamities and miseries of so fine a country laid waste and desolate by the most barbarous enemies: I mean the Corees and Tuscarora Indians.

Although I shall not use much eloquence to implore your aid and assistance in revenging such injuries, causes of that nature when truly stated being their own best orator; yet, I presume, I have all the advantages that may be of making a true representation of that affair to your honors, being

an inhabitant of Beaufort precinct, where a great part of this hellish tragedy was acted. I shall, therefore, inform your honors, that on Saturday the 22d of September last, was perpetrated the grossest piece of villainy that perhaps was ever heard of in English America. One hundred and thirty people massacred at the head of the Nuse, and on the south side of Pamptaco rivers, in the space of two hours; butchered after the most barbarous manner that can be expressed, and their dead bodies used with all the scorn and indignity imaginable; their houses plundered of considerable riches (being generally traders), then burned, and their growing and hopeful crops destroyed. What spectacle can strike a man with more horror and stir up more to revenge, than to see so much barbarity practised in so little a time and so unexpectedly? And what makes it the more surprising, that nefarious villainy was committed by such Indians as were esteemed as members of the several families where the mischiefs were done, and that with smiles in their countenances, when their intent was to destroy. I must inform your honors that the governors of North Carolina are not in a condition to take a full (I might say any) satisfaction on the enemy, nor to prevent their further progress, by reason their neighboring Indians are not to be relied on for any assistance, but rather to be feared they would be prejudicial in any expeditions; if not joined with the enemy as we have good reason to judge by their behavior both before and since the act was committed: therefore a strict and jealous eye is necessarily kept over them by the government, and our whole country drawn into garrisons to prevent mischief that way, which very much hinders the getting men into a body to pursue the enemy, who are at present between two and three hundred effective men, and above one thousand women and children; and, I believe, your honors will be of opinion, that it is altogether impracticable to attempt such a body of men, flushed with their first success, without Indians who are acquainted with their manner of fighting. Wherefore, on behalf of the government of North Carolina, by which I am employed, I earnestly entreat your honors to permit and encourage so many of your tributary Indians as you think proper, to fall upon those Indians our enemies, whose families are since fled down to the seaboard between Weatuck and Cape Fare rivers, whilst their men are still ravaging and destroying all before them, within sight of our garrisons; that by your assistance exemplary justice may be done to such barbarous villains as have laid waste and desolate such a flourishing part of the lords proprietors' country, and which, without your speedy relief, will be wholly deserted. If any Indians are found innocent of that massacre and will assist in the destruction of those inhuman wretches, care will be taken to distinguish those from the rest; but I very much fear that, upon strict inquiry, it would be

found that the whole nation of the Tuscaroras (though some of them may not yet be actors) was knowing and consenting to what was done; and that the success of those already in motion, if not put a stop to, will at last induce the rest to join with them in carrying on these bloody designs. Beside the daily expectation of a considerable number of Senekoes [Senecas], which we are certainly informed are coming to cohabit with the Tuscaroras, our enemies, this winter, and become one nation, which in time may affect our neighboring governments as well as us. I firmly persuade myself that so much prejudice as the lords proprietors will receive by that fatal blow, the barbarous murder of so many of our fellow-subjects, among which number is the Honorable Baron de Graffenried, a landgrave of Carolina, and a member of the council, Mr. Lawson the surveyor-general, with divers others of note, will excite your honors' compassion toward such a country and hasten your assistance and relief.

I am, with all respect,

Your honors' most obedient, humble servant,

CHRISTOPHER GALE.

No. XII.

EXTRACTS FROM A "BOOKE OF THE ORDERS, JUDGMENTS, AND DECREES OF THE HON. EDWARD HYDE, ESQ., PRESIDENT, AND HIS COUNCIL."

[*From the original in the office of the Secretary of State.*]

February, 1711–12.—Ordered, that an address of thanks be returned to the government of South Carolina for the seasonable succors and relief sent unto us under the command of the Hon. Colonel John Barnewell, Esq., against the Tuscarora Indians, now in open hostility, procured by the solicitations of the Hon. Edward Hyde, Esq., president.

February, 1711–12.—Ordered, that the Hon. Lieutenant-colonel Thomas Boyd and Thomas Peterson, Esq., do return the hearty thanks of this board to the Hon. Colonel John Barnewell, Esq., general and commander-in-chief of all the forces, etc., for his great care, diligence, and conduct; and to congratulate him on the success already obtained against the enemy.

February, 1711–12.—Ordered, that five hundred bushels of corn be immediately raised and sent round to Bath county, for the use and subsistence

of the forces now come from South Carolina for our succor; and these shall be delivered at such place or places as the general shall appoint.

February, 1711–12.—Whereas a most horrid and bloody massacre has been committed upon several of the inhabitants of this government by the Tuscarora Indians, their adherents and abettors; and whereas, upon the representation of the same by the Hon. Edward Hyde, Esq., president, etc., to the government of South Carolina, soliciting their relief and succor, has, in tender compassion to the wretched state of this poor country, detached a considerable force under the command of the Hon. Colonel John Barnewell, Esq., commander-in-chief, to defend us from the imminent danger with which we are threatened and very much exposed to: it is therefore

Resolved by the Honorable the President, with the unanimous advice and consent of the council of this government, that vigorous resolutions be pursued for carrying on the war, as follows:

First. That no treaty of peace, neutrality, or commerce shall be agreed or concluded between this government and the upper towns of the Tuscaroras, until such time as they deliver up such Indians of their own towns, either alive or dead, as were joined with Handcock and his crew; being sufficiently manifest, not only by the confession of the prisoners taken belonging to those towns, but also by the great quantity of English goods and clothes, with the scalps of white people, found there, as by the deposition of the Hon. Colonel John Barnewell, Esq., general of the forces aforesaid, plainly appears. And it is further ordered, that an address be presented from this board to the Governor of Virginia, praying him that he will be pleased to acquaint those towns with reasons for it.

Secondly. That the Indians in those towns actually joining with Handcock in the massacre, it is resolved that no peace, or any terms whatsoever, be agreed with them, but entirely to extirpate them, according to the laudable custom of South Carolina.

Thirdly. For the carrying on so good a work for the future peace and tranquillity of this and our neighbor governments, it is resolved that at least two hundred men be raised for four months, to concert with the forces of South Carolina; and that for the subsistence, as well of those forces, as of the forces of South Carolina, it is resolved that magazines be erected on the rivers of Neuse and Pamplico, at such places as shall be ordered by the commander-in-chief of the said expedition.

And whereas it most unfortunately happened that Major Christopher Gale, who was sent by this government to South Carolina to negotiate this

affair, is not yet arrived in this government, though he set out from South Carolina for this place in a sloop, with stores and ammunition, etc., three months since, by reason whereof we are utterly ignorant of the treaty or measures concerted between him on our parts, and the government of South Carolina, for carrying on this war:

Fourthly. It is resolved that, together with the address of thanks, we supplicate the government of South Carolina that they would be so favorable to us, either to send a copy of the said treaty, or such instructions to the commander of their forces to enter into such further treaty here, as well with this government as with the government of Virginia, to concert proper measures to give the finishing stroke to a work so well begun.

Ordered, that a copy of these resolutions be sent to the neighboring governments.

Ordered, that a sloop, shallop, boat, or canoe be immediately impressed with men and provisions, suitable to be sent to South Carolina, to acquaint that government with our proceeding, relating to our present state of affairs.

This board adjourned till to-morrow, eight of the clock.

March, 1711–12.—And whereas it has been reported, and complaints made by Captain Brice and divers others, that the Honorable the Baron de Graffenreid had made a separate peace with the Indians, under his hand and seal, some having the impudence to say they had seen it: his honor therefore produced the paper in which was the pretended peace, which is only an old power of attorney.

March, 1711–12.—Ordered, that this memorandum be recorded: that the Hon. Baron de Graffenreid's two sloops are and have been impressed on the public service, viz.: The Return, Captain Charles Glover, master, pressed by the Hon. William Glover, Esq., 12th of October; and the sloop Dolphin, impressed by Captain Emanuel Cheeves the 22d of September, till the 2d of November, and impressed by the Honorable the Governor again the 10th of December: and that their wages, etc., be paid by the public.

March, 1711–12.—Ordered, that Captain Edward Adlard shall depart with his sloop "Core Sound Merchant" to Pasquotank River, and there take from on board the "Return," Mr. Charles Worth Glover, so much corn as will load his sloop, give to Mr. Glover receipts for the same; and that he embrace the first fair wind and weather to go to Bath county, and there

apply himself to the Hon. John Barnewell, Esq., general of all the forces of Carolina, and follow such instructions as he shall receive from him.

March, 1711–12.—Whereas several persons, bound by bond or recognizance to appear at the next general court to answer such matters and things as shall be objected against them on her majesty's behalf,—divers of which persons are desirous to serve in the wars against the Indians:

Ordered, that the attorney-general do forbear prosecuting the bonds or recognizances of such persons as shall engage in this present war, and that no advantage shall be taken of their absence during the time they shall be in the service aforesaid.

April, 1712.—Whereas we have received information from Colonel Barnewell, commander-in-chief of our forces, that he is in want of ammunition, that the security of the country very much depends upon the supplying the army sufficiently with the same, and that there hath not been impressed above twelve hundred bushels of the corn ordered and directed to be impressed by act of Assembly; and whereas we have just now received advice from the government of Virginia, that two hundred men of the forces of that government are on their march for our assistance against the Indian enemy, and who must be supplied accordingly with provisions, etc.: Ordered, that the commissioners for impressing for the public service do, in each of their precincts, make diligent search and impress all the corn which shall appear to them over and above sufficient for each respective family, and likewise all ammunition and lead, and make speedy return thereof to the president, in order to transport the same to the army.

May 9, 1712.—Whereas it does appear to this board by divers concurring informations that Major-general Barnewell has been very remiss in the execution of his trust reposed in him by this government against the Indians: It is ordered, that if, *upon examination*, he be found guilty thereof, that a representation thereof be drawn up by this board, and that he be charged therewith before the government of South Carolina, by some agent to be sent thither for that purpose.

At a council holden at the dwelling-house of the Hon. Edward Hyde, Esq., in Chowan, on Monday the 2d day of June, Anno Dom. 1712:

The Honorable the Governor having represented to this board that there

is a necessity of sending some person as an agent on behalf of this government to the government of South Carolina, in order to represent the present state of the war against the Indians in this government, and the late management, as also to supplicate that government for further aid to carry on the said war: Ordered, that Mr. James Foster be appointed to go to South Carolina to perform the said agency, and that a sufficient sum of money be raised for defraying his charges therein.

June 2, 1712.—Ordered, that twenty men be forthwith raised, and employed in two large canoes to cruise in Pamplico and Core sounds, in order to suppress a party of Indians which, we are informed, do harbor in and about those sounds.

July 12, 1712.—Upon petition of Matthew Midgett, praying he may be allowed fifty pounds, pursuant to a proclamation for apprehending Emanuel Low, which is to be allowed out of his estate if convicted: Emanuel Low being apprehended and brought before this board, for stirring up sedition and rebellion against this government, and endeavoring to subvert the same, was committed to the custody of the provost marshal therefor.

July 31, 1712.—A proclamation for pardoning the several persons condemned in the late rebellions with Colonel Cary, for discharging such as had given bonds for their appearance at the next general court, except the said Cary, Emanuel Low, John Porter, Edmund Porter, and William Tillet, was issued out and published, under the great seal of the colony.

No. XIII.

Extracts from Minutes of the Council of North Carolina.

[*From the originals in the office of the Secretary of State.*]

July 31, 1712.—The Honorable the Governor having represented to this board that there is a necessity to send an express to one Martin, an Indian trader on the head of Potomack, to get intelligence from him of the motion of the Seneca Indians: Ordered, that the governor do send such person as he shall think fit to the said Martin, with such letters and instructions as he shall think proper.

July 31, 1712.—It is ordered by this board, that a messenger be forthwith sent with instructions from the governor to the nation of Indians called the Saponees, to endeavor to get them to engage with us in this present war against the heathen, upon such conditions as they shall think fit; and to promise them on behalf of this government, that if their wives and children will come into this country, they shall be protected and provided for in the mean while.

September 12, 1712.—Upon complaint to this board by Colonel Mitchell and Colonel Alexander Mackey, that they have received divers concurring informations against Thomas Cox, senior, and William Stafford, senior, of Currituck, for that they did in a mutinous manner seduce and draw aside divers men who had enlisted in the service of this government, to the great detriment of the present expedition against the Indian enemy:

Whereupon it is ordered by this board, that the Hon. Major William Reed do issue out his orders to such persons as he shall think fit, to apprehend and take the said Thomas Cox and William Stafford, and carry them before the said Colonel Mitchell and Colonel Mackey, to be punished as the laws in that case require. Only in case they should be adjudged to death, it is hereby ordered that the execution be suspended until further orders from this board; of which advice is given to Colonel Mitchell and Colonel Mackey.

October 22, 1712.—*Whereas* it does appear to this board that there is likely to be very great want of provisions to supply the wants of the army that is daily expected from South Carolina, as well as for our own forces now in arms against the Indians:

It is ordered by this board, that no grain be exported out of this government, either by land or water, until further order from this board; and that all officers concerned in the clearing of any vessels do have due regard to this order.

November 5, 1712.—*Whereas* we are now credibly informed that Colonel James Moore may be daily expected in with the South Carolina forces:

It is hereby ordered that the Honorable the President, Thomas Pollock, do give such instructions and make such agreements or treaties with the said Colonel Moore or the Indians, in relation to carrying on this war, as he shall think convenient, and enter into such other articles or agreements

with Tom Blount, or any other of the neighboring Indians, as he shall think proper.

January 9, 1712–13.—Upon examination of a Seneca Indian, taken by one of the South Carolina Indians in their march hither, it does appear that the said Indian was sent by the Senecas, pursuant to an order from the government of New York, to caution the Tuscaroras against going to war with the English here; for which reason it is thought fit that the said Indian be purchased from the South Carolina Indian by the public, and sent back to his own nation: and therefore, It is ordered and agreed, that the Honorable the President do purchase the said Indian on behalf of the public, and take care that he be sent as aforesaid; and that in consideration of the said president paying for the said Indian, and for the trouble he has had with the rest of the Indians, he do have and take, to his own use, three Tuscarora men and one Mattamuskeet, now in his custody.

January 9, 1712–13.—It appearing to this board that two Core Indians taken and sent in hither from Virginia, are slaves belonging to one Mr. Drayton and one Mr. Wright, inhabitants of South Carolina:

It is ordered, that the said Indians be delivered to Colonel James Moore, for the use and on the behalf of the owners aforesaid.

January 12, 1712–13.—*Whereas* Colonel Edward Mosely was instructed by the Assembly of this province to send an address from the said Assembly to the Governor of Virginia, which said address has been carelessly lost or otherwise embezzled by the said Mosely: whereupon it is ordered by this board, that the provost marshal or his deputy do take the said Mosely into custody until he shall give good security to appear before the next Assembly, to answer the aforesaid neglect, and that in the mean while he be of his good behavior.

January 12, 1712–13.—It is ordered by this board, that the Honorable the President do give such instructions as he shall think fit to Major Gale, who is hereby appointed to wait on the Governor of Virginia, in order to concert such measures as may be thought proper in the disposal of what moneys or other things the government of Virginia has contributed toward carrying on the war against the Indian enemy.

May 8, 1713.—It is ordered by this board, that the Honorable the President be empowered of himself to negotiate any affair relating to the war, either with Colonel Moore or any others, and to send into Virginia and order so much of the money given to this government, by them to be laid out in provisions or other necessaries, as he shall think fit.

At a council holden at the house of the Hon. Thomas Pollock, Esq., in Chowan, on the 25th day of June, Anno Domini 1713 : present, the Hon. Thomas Pollock, Esq., president, and

The Hon. Thomas Boyd, Esq.,
" " Nath. Chevin, Esq.,
" " Christopher Gale, Esq.,
" " T. Knight, Esq.,
} Lords Proprietors' Deputies.

The Honorable the President having reported to this board that King Blount hath brought in and delivered up to him eight of our enemy Indian men, and further signifying his intention of sending a vessel to the West Indies, and that he is willing to buy said Indians, in order to send them off in his said vessel, and be accountable to the public for the same :

Whereupon it is ordered and agreed by this board, that the Honorable the President have and take the said eight Indian men to his own use, he paying and allowing to the public the sum of ten pounds per Indian, with which he saith he is content.

August 7, 1713.—*Whereas* complaint has been made to this board by Major James Coles, that Thomas Bayley, Arthur Winchester, John Winslow, Joseph Fitch, John Newby, Benjamin Munday, William Ellot, and Jonathan Sherwood, in a mutinous manner did contemn and resist the lawful authority of this government, being impressed on an expedition against the Indian enemy :

Wherefore it is ordered by this board, that the provost marshal or his deputy do take the several persons above named into his custody, and them hold until they give good security to appear at the next general court, to answer the said complaint, and in the mean while to be of their good behavior.

August 7, 1713.—It is ordered by this board, that the Honorable the President be fully empowered to treat with the Meherrin Indians, and to enter into such articles or agreements with them, on behalf of this government, as he shall think fit.

August 19, 1713.—Upon complaint made to this board by Daniel Guthe-ree, deputy-marshal for the precinct of Pasquotank, that Robert Morgan, John Sawyer, senior, John Sawyer, junior, Edward Williams, Richard Hastins, and Robert Sawyer, did utterly refuse to pay the fine of five pounds due from them by act of Assembly, for not going out in the Indian war; and, in contempt of the said act, did, by force and arms, rescue and take from him, the said marshal, divers goods, on which he had made distress for the same, pursuant to the said act:

Whereupon it is ordered by this board, that the provost marshal or his deputy do forthwith take the several persons above named into his custody, and them hold until they give good security for their appearance at the next general court, to answer the said complaint, and that in the mean while they be of their good behavior.

At a council, holden at the house of the Hon. Thomas Pollock, in Chowan, on Saturday, the 23d of January, 1713–14: present, the Hon. Thomas Pollock, Esq., president, and

The Hon. Nath. Chevin, Esq.,
" " William Reed, Esq., } Lords Proprietors' Deputies.
" " J. Knight, Esq.,

Complaint being made to this board by King Blount and divers of his great men, that the Meherrin Indians have taken two Indian children belonging to the said Blount, and whose parents are at amity with us, and do detain the same as slaves:

Wherefore it is resolved by this board, that the president do write to the said Meherrin Indians, commanding them to deliver the said Indians, as they will answer the contrary at their peril, and, upon refusal, that the president do take such further measures as he shall think fit to compel them thereto.

April 7, 1714.—Captain William Hancock, having complained to this board that he, having impressed and commanded John Tanyhill, William Hutson, Francis Hill, Edmund Pearce, Thomas Jones, George Moy, John Human, John Slocumb, Thomas Masters, John Shearrel, Christopher Miller, to march out with him against the Indian enemy, they utterly refused to obey his command, in contempt of the authority of this government:

Therefore it is ordered by this board, that the provost marshal of the county of Bath do take the several persons above named into his custody, until they give good security for their appearance at the next general court, to answer the said complaint.

April 14, 1713.—It is ordered by this board, that if, for the future, any Indians shall be sent in to the Honorable the President, for any crimes of misdemeanors, the said president is hereby fully empowered to inflict such immediate punishment on them as he shall think the crime requires, or as might or could be done if the council were there present.

No. XIV.

EXTRACTS FROM THE ORIGINAL MINUTES OF THE LORDS PROPRIETORS' DEPUTIES, IN THE OFFICE OF THE SECRETARY OF STATE.

At a meeting of the lords proprietors' deputies, at the house of the Hon. Major-general Pollock, in Chowan, on the 12th day of September, A.D. 1712, where was present,

The Hon. Thomas Pollock, Thomas Boyd, Nath. Chevin, William Reed, Tobias Knight, Esqrs., lords proprietors' deputies:

It having pleased Almighty God to take out of this life the Hon. Edward Hyde, Esq., late governor, captain-general, and administrator of this province; the above-named deputies, in pursuance of the lords proprietors' instructions, and for the better government of this country and preserving the peace of the same, do unanimously make choice of the Hon. Major-general Thomas Pollock to be president of the council and commander-in-chief for this government, until the lords proprietors' pleasure be further known.

And thereupon the said Thomas Pollock solemnly took and subscribed the oath required by law to be taken for his qualification, together with the oath appointed to be taken by all governors and commanders-in-chief, for the due observation of the laws of trade, and then took his place at the board accordingly.

The Lady ELIZABETH BLAKE, *widow and relict to the Hon.* JOSEPH BLAKE, *Esq., late Governor, deceased, and guardian to the Hon.* JOSEPH BLAKE, *Esq., a minor, one of the true and absolute Lords Proprietors of the Province of Carolina, to Major* CHRISTOPHER GALE, *Esq.:*

Whereas it is agreed by the lords proprietors of Carolina, according to the powers granted to them by their charter, bearing date the 30th day of June, in the seventeenth year of the reign of Charles the Second, that each of the lords proprietors should make a deputy, to be his representative in

the General Assembly and Council of Carolina, I, by virtue of being guardian to the said Joseph Blake, minor, as aforesaid, and out of the trust and confidence I have of the prudence, wisdom, and loyalty of you, the said Christopher Gale, do hereby constitute and appoint you the said Christopher Gale to be deputy, during my pleasure, to the said Joseph Blake, in that part of our province of Carolina that lies north and east of Cape Fear, with full power to act and exercise all such powers and authorities as to a lord proprietor's deputy do belong, and which are consonant to our said charter and the laws passed and confirmed by us.

Given under my hand and seal this 23d day of July, 1712.

ELIZABETH BLAKE.

INSTRUCTIONS FOR DANIEL RICHARDSON, ESQ., OUR RECEIVER-GENERAL OF NORTH CAROLINA.

We herewith deliver to you a commission to be receiver-general of that part of our province that lies north and east of Cape Fear, to receive to our use all dues and rents, fines and forfeitures, that of right belong to us, which commission, as also those instructions, you are to get registered in the secretary's office in our said province.

You are to inform yourself, by all means you can, what fines have been set upon any persons for misdemeanors in any of our courts, and to receive the same to our use; and in case of denial of payment, to use all lawful means for the recovery of the same.

You are to take into your possession our share of ambergrease, and all such other things as of right belong to us.

You are to use all possible diligence to inform yourself of all lands that have been granted to any person whatsoever in that part of our province, in which you are to observe these particulars, viz.: How much land each person does possess, in what parish, and in what county, by what rent—whether by twelve pence per one hundred acres, or penny per acre; what any person is in arrears, and if above twelve months, to order our attorney-general to summon them, and on failure of compliance, proceed to prosecute them for recovery of the same.

All which you are regularly to form into a regular rent-roll, and regularly to enter into your roll-book; and in like manner all lands that shall hereafter be granted, and to transmit a copy thereof to us once every year.

You are, out of our moneys, dues, and rents you shall receive as aforesaid, to pay to the respective officers for the time being, as hereunder mentioned, their respective yearly salaries, without any pretence whatsoever, by even

quarterly payments, beginning from the time of their entrance upon their respective offices, viz.:

To the governor for the time being £200 yearly, and to commence from the time of his first arrival.

To the chief-justice for the time being, £60 yearly.

To the secretary for the time being, £40 yearly.

To the attorney-general for the time being, £40 yearly.

And to Richard Shelton, secretary at our board, £40 sterling yearly.

The rest that you receive, you are to dispose of as you shall from time to time be directed by us.

You are to take to yourself after the rate of 10 per cent. of all moneys, goods, and merchandises of ours you shall receive and dispose of according to our orders.

In your accounts you are to keep the several articles of purchase-money apart by themselves, together with an account of the date of the month, and in what year the land was sold.

The several articles of moneys received for the rent of lands, you are likewise to keep separate and apart by themselves in your rent-roll, and to distinguish how much of the same was due.

You are to take notice, that all such money which you shall receive, either for the purchase of lands or for chief rents which shall be due to the lords proprietors after the date hereof, must be in sterling money of Great Britain, or the true value thereof.

You are to present your accounts to the governor and three of the commissioners for auditing the same, once every three months, and oftener if required, to be examined and approved of by them, according to the form usual. And at such the times of passing your accounts, the money that shall remain due to us shall be continued in your custody, that thereby our said moneys may always be ready to answer all such orders as we shall give about the same.

You are to inquire what forfeited estates there are of felons, or of persons dying intestate and leaving no heirs, and of right escheat to us, and take the same into your possession.

You are always to transmit your accounts to us, so approved by our commissioners, by the next respective ships, with an account also of our cash in bank.

In all the foregoing, and whatsoever is of consequence, you are to take the direction and advice of the governor, and two at least of the commissioners.

You are, before your entry into your said office, to take the oaths ap-

pointed by act of parliament instead of the oaths of allegiance and supremacy, and the test and the oath of fidelity to the lords proprietors, and the oath for the due execution of your place and trust.

Given at Craven House, under our hands and seals, this 29th day of January, 1711–12.

Beaufort Palatine,	J. Danson,
Carteret,	M. Ashley, for
M. Ashley,	Jos. Blake.
J. Colleton,	

Recorded by order of council, April 27, 1713.

Tobias Knight, *Secretary.*

January 9, 1712–13.—*Whereas* the Hon. Richard Sanderson, Esq., deputy to the heirs of Seth Southell, deceased, one of the lords proprietors of this province, hath not for a considerable time past given his attendance on the council or Assembly, nor given any reason why he has not come; and whereas the present emergencies of the government require the said Sanderson's attendance, or some other in his stead:

It is therefore ordered by this board, that the said Richard Sanderson do give his personal attendance at the next council (having notice thereof), or that he be suspended in the said deputation, and some other fit person appointed in his stead: and that the secretary do take care to send a copy of this order to him.

January 9, 1712–13.—Madam Catharine Hyde came before this board, and was admitted to prove upon oath the importation of eight persons into this government, viz.: Edward Hyde, Esq., Mrs. Penelope Hyde, William Clayton, John Lovick, Mary Tudo, James Gregory, Andrew Stephenson, and herself.

January 9, 1712–13.—Major Christopher Gale was admitted to prove upon oath the importation of four rights, for which he has not as yet taken up any land, viz.: himself twice, his daughter Eliza and Arthur Harris, and assigned the same over to Colonel William Reed.

April 14, 1713.—Daniel Richardson, Esq., receiver-general, having represented to this board that, by his instructions, the lords proprietors do require that the purchase-money of lands hereafter to be sold, as also the chief rents reserved thereon, shall be paid in sterling money of Great Britain,

or the true value thereof, which cannot by any means be strictly complied with in this country; and the said Daniel Richardson being also directed in his said instructions to take advice of all matters therein contained of the president and council, did apply himself to this board for advice therein; and this board having considered thereupon, and compared the aforesaid instructions with the instructions lately sent upon that head to the late Governor Hyde, deceased, are of opinion that the said Daniel Richardson may, for any term within seven years from the date of the said Governor Hyde's instructions, agree for and contract with any person for lands, at the rate of twenty pounds per thousand acres, to be paid in any good and merchantable commodities of this country at the rated price. And it is further the opinion of this board, that rice, well dressed and cleaned, at the rate of seventeen shillings and sixpence per hundred, is the true value of sterling money.

April 14, 1713.—Daniel Richardson, Esq., the lords proprietors' receiver-general, having requested the opinion of this board whether it be practicable or possible for him to pay the several officers' salary at quarterly payments, pursuant to a paragraph of his instructions for that purpose,—it is the opinion of this board that the same cannot be complied with, and that it is sufficient if payments thereof be made once in every year.

August 7, 1713.—It being represented and complained of to this board that Richard Jasper hath sold as a slave one of our friendly Indians:

Wherefore it is ordered by this board, that the provost marshal of Bath county, or his deputy, do take the said Jasper into his custody, and him hold until he give good security to appear before the board, on the third day of the next general court, to answer the said complaint.

August 7, 1713.—Upon reading of a letter laid before this board by the Honorable the President from the lords proprietors, wherein the lords proprietors do direct us to forbear any acts of hostility or severity against Colonel Cary or his adherents for any of their late crimes or misdemeanors in this government, until the arrival of Colonel Nicholson whom they have authorized to inquire into those matters:

It is thereupon agreed that all further prosecution against the said Cary or any of his adherents, for any crimes, mutiny, insurrections, or rebellions past, be respited until the arrival of the said Colonel Nicholson, pursuant to

the directions of the lords proprietors aforesaid, or until we are certainly advised that the said Nicholson's intentions of coming are altered.

August 7, 1713.—Ordered, that Captain Jenkins do deliver to the provost marshal a mulatto boy which he pretends was bound to him by his parents, in order that he may be sent to his said parents again.

No. XV.

Colonel Pollock to the Lords Proprietors.

[*From the* Pollock *MSS.*]

[extract.]

Gentlemen:— *September* 9, 1712.

After mine to you of yesterday's date, we had the great misfortune to lose our governor, who deceased yesterday about twelve of the clock, of a violent fever which had held him seven days, and hath left us in a most deplorable condition: a barbarous enemy to deal with; a scarcity of provision —being scarce able to supply our garrisons and what small forces we have out; and, the worst of all, a divided, ungovernable people. But I hope God, in his good time, will deliver us from all these afflictions and difficulties.

Extract from Col. Pollock's Letter-Book.

Gentlemen:— *September* 15, 1712.

The importunity of the council at this juncture hath prevailed with me to accept this place, much contrary to my intention and inclinations. And these few lines are only to acquaint you that you may be assured that there shall be nothing wanting of my endeavors in hastening out what forces I can to your assistance. As for those two men at Caretuck, Cox and Stafford, the highest punishment you can inflict on them, I believe, is little enough. But I should be very much troubled if my administration should begin with the death of any of our people. Wherefore, I would desire you, if the court-martial has proceeded so far as to give judgment of death upon them, to respite the execution until you have an answer and result from me, and the council. Gentlemen, God Almighty give success to your endeavors, which shall be the daily prayer of,

Gentlemen, yours, etc.

(A true copy, sent by Mayor Chevin.)

Col. Pollock to the Lords Proprietors.

[*From* Pollock *MSS.*]

May it please your Lordships:— *September* 20, 1712.

Amongst the many and great judgments it hath pleased God to inflict on the poor people of the north part of your province of Carolina, the death of Governor Hyde is none of the least. For thereby we have not only lost the great interest we had with your lordships, but also with the neighboring governments; and albeit he and the council have used their utmost endeavors to unite and reconcile all differences among the people, in order to which (according to the purport of your lordships' instructions to him) have issued out a proclamation, pardoning any that had any hand in the late rebellious practices, excepting only Colonel Thomas Carey, Mr. John Porter, senior, Edmund Porter, Mr. Emanuel Low, Mr. Roach, and two or three more here, who have been chief instruments in stirring up the people. Yet, notwithstanding, it hath not produced the desired effects, the people still continuing stubborn and disobedient; some few evil-disposed persons still blowing up the coals of dissension amongst them, to the great hindrance of carrying on the war against the Indian enemies.

The real desire to serve her majesty, your lordships, and the poor people here, with the importunity of the council, have forced me to accept of the administration at this time when the country seems to labor under insuperable difficulties, when in more peaceable times I have refused it. And I assure your lordships, that I will faithfully and truly serve you to the uttermost of my power and knowledge, until you are pleased to appoint some other. In the mean time I think it my duty, as briefly as I can, to lay before you the true state of the country.

The people of this government are greatly impoverished: those at Neuse and Pamplico having most of their houses and household goods burnt, their stocks of cattle, hogs, horses, etc., killed and carried away, and their plantations ruined by the Indians, they forced to secure themselves in forts, as we likewise on the south and southwest shore of Chowan, where I live, are forced to do. Then, we in Albemarle county are forced to supply those in Neuse and Pamplico with grain, and the forces we sent from hence, likewise the Ashley River Indians; whereby our trade is ruined, there being no grain, and little or no pork this two or three years to send out; so that what few vessels come in can have little or nothing unless a little pitch or tar; so that many have not wherewith to pay their debts, and but few that can supply themselves with clothing necessary for their families. Then the public is

several thousand pounds in debt for men's wages employed in the country's service, ammunition, provisions, vessels' hire, agents' and messengers' charges to our neighboring governments, and several other things too tedious to trouble your lordships with. The Indian war continuing still, the dissension and disobedience as much as ever amongst the people, which with the want of ready pay to pay off the people that have been out in the country's service, is the greatest mischief of all; so that, albeit in our last Assembly we had an act made, that every person that would not go out in the country's service against the Indians should forfeit and pay five pounds toward defraying the charges of the war, notwithstanding which act few or none would go out; albeit Governor Hyde was just beginning to put the law in execution, when he died; there being now but a hundred and thirty or forty men in all, at Neuse with Colonel Mitchell and Colonel McRay, who are commanders for this expedition against the Indians—too few a number to conquer the Tuscaroras; only we are in hopes of getting some men from this county, and also are in expectation (by letters from Governor Craven and our agent) of Indians from South Carolina to assist us.

There hath been likewise some Tuscarora Indians with the Governor of Virginia, and they pretend a great willingness to a peace. In order to which they are to be with him again the 28th of this instant, September, where we send in likewise two agents, Mr. Tobias Knight and Major Christopher Gale, not with any expectation of the Governor of Virginia making a peace for us, for that would be dishonorable to your lordships, and a means to render us contemptible to the Indians, but to see what articles they propose. But I believe this pretending to peace is only for delaying of time, until they get their corn gathered in their forts, and until they see if they can have any help from the five confederate nations of Indians, commonly called Senecas.

Your lordships may see from this brief relation, what inextricable difficulties we are plunged into: our enemies strong and numerous, well provided with arms and ammunition; our people poor, dispirited, undisciplined, timorous, divided, and generally disobedient; and not only a great want of arms and ammunition, but likewise the poor men who have been out in the service of the country, for want of their pay, are in want of clothing, so that they are not well able to hold out in the woods in the cold weather after the Indians. And if the government of South Carolina had not assisted us with their Indians, in all probability Neuse and Pamplico had been deserted, and I believe a great deal more of the country, by this time. And in all probability, if Colonel Barnwell had done his part, albeit the most part of his Indians had left him, the war had been ended by this time. For Colonel Mitchell, a Swiss gentleman who came in with Baron de Graffenreid,

having continued to draw the trenches within eleven yards of their fort, being only palisades, had raised a batttery very near, and had planted two great guns, had got great quantities of light wood and combustible faggots to fill all up between the end of the trenches and the palisades, so that the Indians within the fort (who were in a manner all that had any hand in the massacre) would have surrendered on any terms; yet he made a sham peace with them, and let them all go, which he and they both broke in a very few days after. The taking of this fort (where the most of our enemy Indians were) would have discouraged the rest so much, that they would either have complied on our terms, or left the country, and would have encouraged our people much in taking so many slaves. And albeit Colonel Barnwell's Indians killed forty or fifty Cores, Bear River, Neuse, and Matamuskeet Indian men, and took near upon two hundred of their women and children; yet in all the time he was here, not above thirty Tuscarora Indians were killed, that we can hear of—the others being small nations, not able of themselves to hurt us. All these things, I doubt not, Governor Hyde hath given you a large account of before this time. I hope your lordships will consider our distressed condition, being greatly in want of arms and ammunition.

I hope the consideration of the great extremity we are brought to, that we are Christians, her majesty's subjects, and your lordships' tenants, the venturing of our lives, and spending our estates for the preservation of your lordships' land, will move your lordships to assist us by such ways and means as your lordships shall think fit, especially with arms and ammunition, or twenty big guns and round-shot answerable, two hundred small, good, well-fixed fire-locks . . . . or –000 gun-flints, which I hope sufficient to carry on and finish the war, and may be a public magazine to be kept always ready for the defence of the country.

Colonel Pollock to Lord Carteret.

[EXTRACTS.]

[*From the* Pollock *MSS.*]

May it please your Lordship:— *September* 20, 1712.

Having been your father's and your deputy here about these twenty years last past, which your lordship hath favorably confirmed, I think it therefore my duty to inform you of all matters of moment relating to the government here. The death of Governor Hyde hath been of fatal consequence to this government. He had labored under abundance of difficulties

since his arrival here, by the divisions and differences amongst the inhabitants and the Indian war; all which I believe I may truly declare hath been chiefly occasioned by . . . . and some few evil-disposed persons, with the whole body of the Quakers, who joined them, and were chief instruments to stir up Colonel Carey to act as he did; and albeit these Quakers were very active in persuading and assisting the people to rise for Colonel Carey against Governor Hyde, yet now in this Indian war, wherein Neuse and Pamplico, and the south and southwest shore of Chowan, which is the best part of the government, are in great danger to be greatly deserted, yet they neither will assist themselves nor suffer others, but hinder and dissuade them all they can, they having great influence on the common people, and will not so much as send their arms to those who are willing to go, and, as I am credibly informed, hide them for fear of their being pressed.

So that we labor now under these difficulties following: An Indian war heavy upon us; the public some thousand pounds in debt, so not able to pay off the men who go out to the war, which greatly discourages them, there being no way to pay them but by these fines, which will take a long time and be very difficult to raise, and some customs laid on goods imported, which, our trade now quite failing, comes to nothing; and lastly, the disobedience and stubbornness of the people, which is of more consequence than any of the rest, and chiefly occasioned by these Quakers and some few other evil-disposed persons, who have been a plague to this government these four or five years last past, and who easily may be known by Governor Hyde's reiterated complaints against them to your lordship.

I, out of the great confidence I have of your lordship's great and good character, and intending to lay every thing from me, belonging to this country, at your lordship's feet, have inclosed a letter from me to your board, begging the favor, after your perusal, to have it sealed and delivered at the board; and that your lordship, with his excellency the palatine and the rest of the lords proprietors, will assist what you can this poor distressed people, not only with arms and ammunition, which are greatly wanted, but with what influence your lordship hath over the government of South Carolina, which is the most capable to assist us with their Indians, and with the least charge; as likewise, I doubt not, your lordships may procure her majesty's order to the government of Virginia, who are near, and may readily help. If your lordship has any intention of taking up a manor in this government, and if the Indians are conquered, there is, by report, a seat of extraordinary land upon Neuse River, about twenty-five miles higher than Baron de Graffenreid's settlement: navigation to it with boats or shal-

lops. . . . . Colonel Barnwell, commander of the Indians from South Carolina, expected to have had it; and Governor Hyde had entered it, but by his death it is clear.

Colonel Pollock to Officers of the Army.

[EXTRACTS.]

[*From the* POLLOCK *MSS.*]

GENTLEMEN, FRIENDS, AND NEIGHBORS:— *October* 3, 1712.

I have received and with grief of heart considered your address to the council, and shall lay it before them as soon as I can get them together, and in the mean time shall use my uttermost endeavors in redressing your wants of men, provision, and ammunition.

Gentlemen and friends, our all lies now at stake,—our country, our wives, our children, our estates, and all that is dear to us. Let us therefore bear with patience some hardships: let us strive against all difficulties. Who can tell but God hath appointed you to be the defenders and deliverers of our country? We have lost one opportunity already of delivering of our country in not taking Cotechney Fort last spring; and now another opportunity is offered, for God's sake let us make use of it, for if we lose it, we can never in reason expect such another.

Wherefore, gentlemen, let us look to God, and implore his assistance and direction; let us lay aside all animosity, differences, and dissensions amongst ourselves; let us shun such, as we would shun the plague, that endeavor to raise mutinies or to sow the seeds of dissension amongst us. As for my own part, I take God to my witness, that I have not been wanting, nor shall not to the best of my knowledge and power, in my true endeavors for the country's good; the peace and prosperity whereof shall be still the chief and only aim of him who is in all sincerity,

Gentlemen, etc.

Colonel Pollock to Governor Spotswood.

[EXTRACTS.]

[*From the* POLLOCK *MSS.*]

HONORED SIR:— *October* 5, 1712.

Our agents, Mr. Tobias Knight and Major Gale, were here the 28th of the last month, in order to have waited on your honor, concerning the meet-

ing with the Indians. But Tom Blount having been here some days before, I having told him that your honor and the council in Virginia expected him in about that time, and that he would do well to go in accordingly: he answered that a messenger from you told him that he should be in in forty days, or, at furthest, in sixty days, and that by that time he would be in with you. He seemed to be very earnest for peace, and to have a trade as formerly, which I utterly denied him, unless he would engage to bring in Hancock, and cut off all those that had any hand in killing and robbing the inhabitants here, and bring in their scalps. And for his pretending the want of ammunition, I promised him, if he would bring in twelve hostages from each town or fort, that I would let him have ammunition; only for his town we would desire no hostages, for the trust that we put in him. Of which proposal he seemed pretty well satisfied, and was sure, he said, of four of their towns that would agree with us, and he believed all would; only he would go home, and conclude with the rest, and be in here again the 17th of this month, and from thence he would go straight to your honor; at which time our agents will be in with him.

A packet-boat is newly arrived here from South Carolina, with our agent that was sent there in June last, by whom, and letters from Governor Craven and some other gentlemen, we understand that their governor, council, and Assembly had agreed to send one thousand Indians and forty or fifty white men for our assistance, under the command of Mr. James Moor, son to Colonel Moor, late governor of South Carolina,—a young man of a very good character. They were to set out the 15th of the last month. The governor hastens them away, and is intended to accompany them to the uttermost bounds of the inhabitants of his government.

Sir, we labor here under almost insupportable difficulties, having a troublesome war upon hand, great poverty and sickness, and, the worst of all, an unreasonable and ungovernable people. I hope your honor will assist us what you can to bring this war to an honorable end, and favor me with your advice in this troublesome juncture, which will infinitely oblige, &c., &c.

Colonel Pollock to Governor Spotswood.—1712.

[*From the* Pollock *MSS.*]

Honored Sir:—

Yours of the 11th instant is now before me; and as for the Tuscaroras, I should be very unwilling that the innocent should suffer with the guilty,

if possible to distinguish them; and am altogether of your honor's opinion, that there is no dependence on their promises, they being bound by no ties of religion, honor, nor honesty. But I am forced at present to bear with, and prolong the time with Tom Blount, by reason the forces from Ashley River are not yet arrived, and we being open to him. Tom Blount and about sixteen of his men came in here on Monday last, being four days later than the time promised. He said he came out time enough to be here at the time agreed upon, but hearing that some of the Cotechny Indians were got on this side Pamplico River, he followed them two or three days, which hindered him that he could not come in at the time appointed. He seemed willing to go to your honor without interpreter; but after some questions and answers, and after that I told him he could expect nothing here, nor, I believed, from your honor, until he brought in Hancock, and had some assurance of his performance of what he had promised, he presently answered that one of his men had seen and spoke with Hancock on this side Pamplico River, and that he would go and bring him in, if possible, and would return in eight days. He seems not to doubt finding of him, only doubts he may have more men joined with him, which, if he has, he says he will pretend friendship to him, and keep hunting with him until he get more men from his town to assist him. He is to bring him in alive; so that his own word makes it clear there is no dependence on his promises, who will act so treacherously to those of his own nation, and his near relations.

If he bring him in (which I much doubt), I will immediately give your honor an account, and what proposal he agrees to as to the bringing in the hostages, and whether he and his men will engage to cut off all the enemy Indians by themselves, or in conjunction with our forces.

If he bring him not now in, I believe we must expect his joining with the other Tuscaroras against us, which may prove very fatal to this government unless assisted by you; and I hope not only charity will move your Assembly to assist us, as being neighbors, fellow Christians, under the same queen, but also interest; for having conquered us, it will undoubtedly encourage more nations of Indians to join them, which may likewise endanger your government.

Honored sir, I doubt not, on the arrival of the South Carolina forces, a great many of the Tuscaroras will fly northerly on the hither side Pamplico and Moratico, expecting the South Carolina Indians will not follow them there over the rivers, so that if your honor could move your Assembly to be at the charge of raising three hundred men, with the Sappona and other Indians (as for the Meherrins and Nottoways, there is no trust to be put in them), to be ready at a day's warning, with five or six weeks' provisions, to

march, to stop the Tuscaroras flying northerly, and could move them likewise to intrust our Assembly for eight or nine hundred yards duffels, to clothe our people to march out likewise, they being so poor generally here that they neither are all clothed to endure a winter campaign, neither have they wherewith to buy it, neither is it to be bought here, having now little or no trade; it might be a means of destroying our enemy Indians, and bring the rest to submit on reasonable terms, and would eternize your honor's fame in having a great share in delivering this poor country.

I hope your honor will pardon my tediousness and importunity, the real necessity of this poor people in general urging me to use my uttermost endeavor in their favor.

Colonel Pollock to the Governor of South Carolina.

[EXTRACTS.]

[*From the* POLLOCK *MSS.*]

HONORED SIR: CHOWAN, *February* 20, $17\frac{12}{13}$.

We were at a loss on Colonel Moore's first coming; for our men that we had sent out in August and September, in expectation of the coming in of some of the forces and staying until November, had eat up almost all the wheat and other provision sent round.

So that, when your forces arrived, I thought it best to have them come and stay to refresh themselves in Albemarle county, until provisions could be carried round. And likewise having come to some preliminary articles of agreement with some of the chief men of the Tuscaroras, who had promised to kill and bring in the heads or scalps of all our enemy Indians that were concerned in the war against us, against the first of January then next ensuing, or . . . . . ways . . . . . hostages for every fort; so I was willing to see whether . . . . . These Indians not coming as they had promised, Colonel Moore marched out with his forces from hence the 17th of last month, and marched out from Reading's Fort on Pamplico River the 4th of this month, having been stopped there by extraordinary deep snow and bad weather several days.

Governor Spotswood, with great struggling and difficulty, obtained at last from his Assembly £180 to be laid out in duffels and other coarse woollen, for the clothing of our people that went out in the army, and likewise £1000 more, to be managed by him, for our assistance in carrying on the

war. The coarse woollen we have had, and he seems very willing to march out his forces to our assistance; but provision being scarce, we may fall short of supplying either force, and so may lose the benefit of both.

With my utmost gratitude, I accept of your honor's wholesome advice in relation to Mr. Moseley; for I know he was the chief contriver and carryer-on of Colonel Carey's rebellion against President Glover, and likewise of the difference between Governor Hyde and Colonel Carey, and also, so far as I can gather from the best intelligence I can have, the chief instrument that caused the difference between our governor and Colonel Barnewell, as likewise of his not taking the Fort of Cotechney; it being very visible to any thinking man that he endeavored all he could to blacken Governor Hyde's administration, thereby to endeavor to change the government; and being, as may be reasonably imagined, in hopes that such an address as he had procured from our Assembly to send to the lords proprietors in favor of Colonel Barnewell, might be an inducement to them to grant him the administration, and then they two, with the interest of the Quakers, who are the chief moulders of the Assemblies here, might have carried matters on here at their pleasure.

As for Colonel Barnewell's proceeding and behavior here, I will endeavor to inform myself what I can therein, and, if any thing material, will send it by the next return of your sloop. Only his transactions here with Mr. Moseley, albeit so open in their effects, yet have been managed so closely that, unless that letter that he received from Mr. Moseley some two or three days before his making that sham peace with the Indians could be procured, it will be difficult to make any discovery of it.

As for news, our latest from Virginia is their daily expectation of Brigadier Nicholson from England, with the title of Visitor-general of all her majesty's plantations on the continent of America. From Virginia, they give out that he is to go next to South Carolina.

Colonel Pollock to Governor Spotswood.

[EXTRACT.]

[*From the* POLLOCK *MSS.*]

HONORED SIR: *February* 24, $17\frac{12}{13}$.

Tom Blount coming here this day with a letter brought him by four of his Indians from Albany, a copy whereof I have sent you, so I hope there is

no great danger of the Seneca Indians coming to help the enemy. The Indians at Weekaconne, I understand, have joined Tom Blount; and he pretends that he will not help nor join any of the other Indians, who, he says, are still in their forts. I have great reasons to believe he is real, and hope we shall find him so.

Colonel Pollock to Governor Spotswood.

[EXTRACT.]

[*From the Pollock MSS.*]

Honorable Sir:— Chowan, *January* 26, $17\frac{12}{13}$.

By yours of the 21st instant, by Major Gale, I perceive your dissatisfaction at my not coming in. I really thought that Major Gale and Mr. Paterson might have easily offered such reasons for my stay as might have been satisfactory: as the supplying the army with sufficient provision of every kind to carry out with them, the fearing every hour of hearing of difference and quarrels between our people and the Indians. For the Indians having destroyed all the stocks where they were ordered to be, begun to spread themselves further without orders, which put several people into such a ferment, that they were more ready to fall upon the South Carolina Indians than march out against the enemy. And as for our agents, they had such instructions as was thought necessary, and so far as could reasonably be given, which I can easily make appear to your honor, if . . . . .

As for your proposals, which I had account of from Major Gale, of your supplying your forces with provisions, on condition the deputies, in behalf of the lords proprietors, mortgage all the land on the north side of Maratock;—this, to the best of my knowledge, is not in our power to do, having no such power given us, neither by the constitutions nor temporary laws, nor any instructions from the lords proprietors, that ever I saw or heard of.

Colonel Pollock to the Governor of South Carolina.

[*From the* Pollock *MSS.*]

North Carolina, *March* 6, $17\frac{12}{13}$.

May it please your Excellency:—

As to the making clear to the Five Nations that the Tuscaroras were the first causes of the war, I doubt not but Governor Hyde hath given you a full account of their taking Baron de Graffenreid, a Swiss nobleman, who came

here to settle a colony of Switsers and palatines; and one Mr. Lawson, our surveyor-general, they killed after a barbarous manner, and in five or six days after massacred and took about a hundred and thirty or forty of our people, and all without any cause that we know of, or any complaint made unto the government; and after they had made a sort of sham peace with Colonel Barnwell, they in a very few days broke it, and have continued their hostilities ever since, until the latter end of November last; at which time some of the great men from six of their forts came in, with whom we came to some preliminary articles of agreement, amongst which one was, that they would cut off all the Cores and Cotechney Indians, and all others that had any hand in the massacre of the English, betwixt then and the first of January then next ensuing; and if they could not accomplish it by that time, they obliged themselves to bring in six hostages from each of the aforesaid six forts. Presently after this agreement, we heard of Colonel Moore's and the South Carolina forces' arrival at Neuse River, and had him in amongst us, and kept him and his forces, being upward of nine hundred men, from the beginning of December until the 20th of January, to see if the Tuscaroras would keep their agreement, which they did not. So Colonel Moore, with the South Carolina forces and some of ours, went out against them, and lie now against one of their strongest forts, wherein (by what intelligence we can have) there is no less than three or four hundred men. If your excellency had the opportunity of sending the Cohorn mortar that Governor Craven writ for, it would now have been of great use.

While I was writing this, one Tom Blount, the chief man of one of the Tuscarora forts which is next to us, who hath pretended all along that he was not concerned with the other Tuscaroras against the English, and with whom we have had no hostility all this time, came in to me with letters from the commissioners for Indian affairs from Albany (a copy whereof I have herewith sent your excellency), which, he says, four of his Indians brought him from thence. Notwithstanding which letter, I have lately had information that several of the Five Nations are now among the Tuscaroras, which wants yet confirmation.

I hope your excellency will take what care you can to hinder the Five Nations from joining or assisting our enemies, with arms or ammunition.

The honor of your excellency's answer by the first opportunity here, or by the way of the Governor of Virginia, will highly oblige,

Your excellency's, etc.

No. XVI.

Letters of Governor Spotswood on the Indian War of 1711.

[EXTRACT.]

[*From copies in possession of the author.*]

To my Lord Dartmouth. Virginia, *July* 15, 1711.

My Lord:—I should not have given your lordship this trouble, when I must renew it so shortly by the return of our fleet, if the distracted state of our neighbor province of North Carolina did not oblige me to send your lordship the speediest information of a flame breaking out there, which may, without timely care, endanger the peace of her majesty's colony, as well as complete the ruin of that settlement; especially when the ringleaders of this commotion talk as if they would act another Antigua tragedy, and when some people are grown so desperate as to threaten to call down Indians to their assistance.

That I may give your lordship, as far as I can, the true rise of the present distractions in the province of Carolina, it is necessary to observe, that country has usually been governed by a deputy, commissioned by the Governor of South Carolina, that one Colonel Thomas Carey was appointed deputy-governor there under Sir Nathaniel Johnson, but was soon after superseded, by order of the lords proprietors themselves, and, according to their instructions, a president of the council chosen to take the administration; but this continued not long, before Colonel Carey, supported by the interest of the Quakers, and assisted by a republic of loose and profligate persons, turned out the president and most of the council, and assumed on himself the government. Mr. Edward Hyde, being appointed by the lords proprietors to be their deputy-governor, arrived here last summer; but before his arrival, Colonel Tynte, from whom he was, according to the constitution of that government, to receive his commission, died; so that he found himself thrown into a country, without any authority or credentials, except some private letters from the lords proprietors. However, he managed them so well, and gave the council such satisfaction of his being intended their governor, that all who pretended any share in the government, and Carey in particular, petitioned him to take on him the administration as president of the council, until his commission of governor should arrive. He was unanimously chosen, conformable to the constitution of that country, and sworn president of the council, and continued to act as such until the meeting of the Assembly; that Colonel Carey and his party finding themselves outdone

in the choice of representatives, and fearing to be called to account for many unwarrantable actions and oppressions, of which they had been guilty, protested against the Assembly as not called by lawful authority, upon which the Assembly ordered him and some of his accomplices to be taken into custody; but he soon made his escape from thence, and having gathered together a company of about sixty men, stood in defiance of their authority. They proceeded to pass a law to oblige him to render an account to the lords proprietors of the money he had received for their dues, and which he had refused to pay for the palatines according to their order, and added some other clauses, perhaps too severe to be justified, which indeed showed more of their resentment of the injuries they received from Mr. Carey, during his usurpation, as they call it, than their prudence to heal the distractions of the country; but they soon found their power too weak to enforce the execution of the laws they had passed, for when they went to apprehend Colonel Carey, they found he had so considerable number of armed men, and had fortified himself with great guns and other warlike preparations, that they durst not to attack him. Mr. Carey did not long content himself to stand upon the defensive, but having gathered together what force he could, declared himself president, fitted out a brigantine carrying six guns, with a barcalonga, and came to attack Mr. Hyde and his council, who found themselves too weak to oppose him. I received repeated applications from them to send them some assistance for their protection. Whereupon, with the advice of her majesty's council here, it was judged the best way to put an end to these distractions, to offer my mediation to both parties, intending to persuade Mr. Hyde to suspend the severity of those acts passed against Mr. Carey, until their masters, the lords proprietors, should signify their pleasure, and not doubting but when that was once obtained, Mr. Carey would be contented to sit quiet and suffer the government to go on in the way he himself had agreed to; and to this purpose I wrote, both to Mr. Hyde and him, the letters of which the copies are inclosed, and sent thither a gentleman, as well qualified as any I could find here, for moderating the resentments of both parties. Mr. Hyde and his council, at the first offer, joyfully embraced the mediation, declaring that, for the peace of the country, they were most ready to yield to any terms which could with justice and honor be proposed to them; but Carey obstinately refused all peaceable means of accommodation, and warned the mediator to retire, for he was resolved to treat no otherways than with arms. It is true he at first pretended to accept the mediation, but soon showed that he intended to make no other use of it than to carry on his design of seizing Mr. Hyde and his council at an unarmed interview, which he, in violation of his engagements, treacher-

ously attempted to execute. Though this was enough to show how little faith ought to have been given to any treaty with him or his party, yet the gentleman I had sent hither went again to him, and urged him to declare what his demands were, but it was a long time before he could obtain of him any such declaration. At last he showed a paper containing his demands, but was very unwilling to give any copy of it, and when a copy was taken, he absolutely refused to sign it. Notwithstanding all which, Mr. Hyde and his council were very willing to agree to every one of these demands, with some little alteration, and this was signified to Mr. Carey by one of his greatest confidants; but all that would not content him, nor would he tell what else he would be at. All hopes of accommodation being now desperate, and Mr. Carey having advanced with his brigantine and other vessels, carrying a flag at top-mast head, within gun-shot of the place where Mr. Hyde and his council lay, and threatening to attack them, they repeated their application to me for a speedy assistance. Having thereupon called together the council here and advised with them what was proper to be done in this conjuncture, they were unanimously of opinion that no other course could be taken than forthwith to assist Mr. Hyde and his council with what force could be spared out of this colony, conformable to her majesty's commission and instructions, which both empower and direct me to send assistance to any of her majesty's plantations that shall be in distress, upon the applications of their governors; and that this was so much the more necessary in the present case, because it was not easy to foresee how far a party of men of such desperate circumstances would carry their madness, if they should meet with success in this first attempt; and that the fatal rebellion in this country, which formerly cost the crown a great expense of treasure to quell, sprung at first from less dangerous appearances, and that it was very probable they would endeavor to seduce our negroes to join with them, since they had already taken, by force, some belonging to the inhabitants of this country, and employed them on board their vessels.

In pursuance of this advice, I ordered the militia of our frontier country to draw together, intending to carry a detachment of them into Carolina; and because Mr. Carey's chief strength consisted in his brigantine and other vessels, which he had filled with armed men, I endeavored to obtain some help of marines and boats from her majesty's ships of war here; but the commodore of the homeward-bound fleet, judging it the last part of his duty to do any service to this country, refused to afford me any such assistance. In the mean time, Colonel Carey endeavored to land a party of his men to seize upon Mr. Hyde and his council, while he attacked them with his cannon from his brigantine; but finding they were likely to meet with resist-

ance from the few men Mr. Hyde had drawn together, that rabble, which are more spirited by the hopes of plunder than principles of honor, gave over their attempt; and Mr. Carey, having quitted his brigantine, is retired to a remote part of that country, whither it is impracticable to march the militia from hence over so many rivers, without the conveniency of water carriage.

I hear he is gathering together a greater force, and threatens to bring down the Tuscarora Indians to his assistance. I have sent what marines could be spared from our guard-ships, in hopes that will fright the people from joining with him, when they see their government will be assisted from hence. And if I find that will not do, I shall, notwithstanding the difficulties I have mentioned to your lordship, endeavor to stop the progress of these commotions, though it is no small concern to me to discover in some of our counties bordering on Carolina a sort of reluctancy to that undertaking; but as they are the very counties which are the most stocked with Quakers, I must impute it to the articles of those people, especially seeing their brethren are Carey's main allies, who not only formally act as his council and openly provide him with provisions and an armed brigantine, but do also take upon themselves military titles in this civil war.

Governor Spotswood to the Council of Trade.

[EXTRACTS.]

To the Council of Trade. Virginia, *July* 25, 1711.

My Lords:—Having now given your lordships the present state of affairs of this colony, I should not have added to your lordships' trouble if the unhappy commotions in our neighboring province of North Carolina did not oblige me to represent the same as a matter that may very sensibly affect the peace of this colony without the application of proper remedies. One Colonel Thomas Carey, being some years ago appointed deputy-governor of North Carolina under Sir Nathaniel Johnson, was afterward removed by an order of the lords proprietors, and a president chosen to take on him the administration. But it was not long before Mr. Carey, being joined by certain Quakers intrusted by the proprietors in some part of the administration, gathered together a rabble of the lower sort of people, and, by force of arms, turned out the president and most of the council, and by his own authority assumed the administration of the government.

It is no small concern to me to find in two or three of our frontier counties, where the Quakers have got the greatest footing, such a reluctancy to

undertake any thing against Carey and his party; which, I understand, is owing to the crafty insinuations of that sort of people, who not only have been the principal fomenters of the distractions in Carolina, but make it their business to instill the like pernicious notions into the minds of her majesty's subjects here, and to justify all the mad actions of that rabble by such arguments as are destructive to all government.

Governor Spotswood to the Council of Trade.

[extract.]

To the Council of Trade. Kingston, *July* 28, 1711.

My Lords:—Since I came hither to dispatch the fleet, I have received advice that upon the arrival of the marines I sent to Carolina, the heads of that mutinous rabble there are fled and dispersed, and that there is now great hopes that country will again be restored to peace, the Assembly and courts of justice beginning to resume their functions without fear of further disturbance. The commissioners for settling the boundaries are just now met, and I hope they will conclude that affair before they separate, so that I may be able by the next opportunity to lay their proceedings before your lordships.

There are now further discoveries made of the ill designs of Colonel Carey and his party, there being several affidavits sent hither to prove that Mr. Porter, one of Mr. Carey's pretended council, was with the Tuscarora Indians, endeavoring, by promises of great rewards, to engage them to cut off all the inhabitants of that part of Carolina that adhered to Mr. Hyde. The Indians own that the proposal was accepted by their young men, but that their old men, who have the greatest sway in their councils, being of their own nature suspicious that there was some trick intended them, or else directed by a superior Providence, refused to be connected in that barbarous design.

Governor Spotswood to the Lords Proprietors.

Virginia, *July* 28, 1711.

To the Lords Proprietors of Carolina.

My Lords:—Your lordships will no doubt receive from divers hands an account of the distractions in your province of North Carolina; and therefore I shall not enter into the detail of that affair any further than what concerns the part I have had in endeavoring to obtain a pacification of their troubles, and to restore to that country that union amongst its inhabitants which is so necessary for the public good.

After I had received from Mr. Hyde and his council repeated advices of the preparations Mr. Carey was making to attack them with an armed force, and the powerful interest he had made, by the means and artifices of the Quakers, to poison the minds of all those who had any remains of a peaceable disposition, and to debauch them from their obedience to a government to which he himself had consented, and that your president and council were unable to defend themselves without assistance from this colony, I did, upon mature deliberation with the council here, judge it most expedient to offer my mediation to accommodate their differences, or at least to persuade Mr. Carey to suspend all acts of violence until your lordships should signify your pleasure upon the laws with which he pretended to be aggrieved. I must do the justice to Mr. Hyde and the gentlemen who act as his council, to represent to your lordships their readiness to submit all matters in dispute to an impartial examination, and to yield to any terms that were just and honorable; but I found a quite different spirit in Mr. Carey and his associates, who would not so much as agree to a place of conference where Mr. Hyde could repair with safety to his person; and at last rejected all offers of mediation, though the gentleman I sent to propose it signified to him, by Mr. Moseley, one of his greatest confidants, that Mr. Hyde was willing to yield to as many of his demands as he had then thought fit to communicate. The confidence he placed in his force, having then a brigantine and barcalonga, mounted with cannon and filled with armed men, riding in Chowan Sound, wearing his flag at the top-mast head, within gun-shot of the place where Mr. Hyde and his council were under his power; and he had the madness to insinuate to the gentleman I sent to him, that Mr. Hyde might expect the same fate Colonel Park had in Antigua: but his success has not hitherto proved answerable to his expectations, having met with repulse in the attempt he made to land and seize Mr. Hyde. However, those who have the direction of him will not suffer him to be discouraged by that disappointment, for Mr. Hyde informs me he is now drawing together a greater force at Pamplico, and fortifying the house of one Roach, where is the rendezvous of his drunken crew.

I think it necessary to acquaint your lordships that no man has appeared more active in these commotions than this Roach,—a wretched fellow, who being sent in lately with a cargo of goods, belonging to some merchants in London, no sooner came into the country but he declared himself against the government, without examining which side was in the wrong, and has been, all along, a principal incendiary; and had it not been for his furnishing the mob with trading guns out of his store, and ammunition belonging to his employers, these commotions would never have got to the head they

are now arrived at. I must not omit to inform your lordships how far the true spirit of Quakerism has appeared on this occasion; for, beside the insinuations they have made to inflame the mob, and their supplying them with arms rather than baulk their design, several of the chief of them have accompanied Mr. Carey and his council, and some even taken upon them military titles.

Upon repeated applications of Mr. Hyde for assistance from hence, I had the unanimous opinion of her majesty's council here, to send an armed force for the protection of that government against this insurrection; there being now no other way but force left to restore the peace of your lordships' country. I have sent to Mr. Hyde a party of marines from our guard-ships, in hopes that will fright the people from joining in the mad designs of Carey and his party, when they see their governor will be supported from hence. The satisfaction Mr. Hyde gave me of your lordships' intention for his being the governor of that province, though he has met with such disappointments in obtaining his commission, and the evident proofs that all this faction against him is purely occasioned on the account of his acting for the interest of your lordships, in endeavoring to obtain justice from Mr. Carey in relation to your dues, were very great inducements to engage me in this undertaking. Your lordships' prudence will easily suggest to you the proper measures to put an end to these confusions, and to establish a more lasting foundation of peace and tranquillity to her majesty's subjects, under your government, wherein I shall think myself happy if I can be serviceable, having no private passion or affection to any person there, nor any other design than to testify the respect with which I am, my lords, etc.

Gov. Spotswood to the Proprietors of Carolina.

[EXTRACT.]

My Lords:— Kingston, *July* 31, 1711.

Since my writing, the marines have returned, after having frightened the rebellious party so as to cause them to lay down their arms and disperse; and I with joy tell your lordships that there is now some prospect of tranquillity in your government, and that I have brought this about without effusion of blood or disorders committed. And upon my arrival at this place I found Colonel Carey, Levy, and Trull blustering and pretending to have taken a passage in the fleet for their going for England in order to justify their actions. Whereupon I had them brought before me, but plainly discovered they intended nothing less than a fair trial at your lordships' board. Wherefore, seeing they would give me no security for such appearance, I

have sent them home in the Reserve and Tiger men-of-war, believing the greatest justice I can do them is to leave them to your lordships' examination.

Governor Spotswood to Lord Dartmouth.

[EXTRACT.]

To my Lord Dartmouth. Virginia, *July* 28, 1711.

My Lord :—Since the arrival of the marines I sent into Carolina, the affairs of that country seem to take a new turn. Mr. Carey and his party are dispersed, and it is hoped the courts of justice and Assembly of the province will again be at liberty to resume their functions. Upon advice that some of the chief of Mr. Carey's faction were come into this colony, the council advised the issuing a proclamation for apprehending them, till they should give security for their good behavior here; for no government can be safe that has in it such dangerous incendiaries. There are several affidavits sent me, to prove that one Porter, who is one of Mr. Carey's pretended council, was with the Tuscarora Indians, promising great rewards to incite them to cut off all the inhabitants of that part of Carolina that adhered to Mr. Hyde.

Governor Spotswood to Lord Dartmouth.

[EXTRACT.]

Kingston, in Virginia, *July* 31, 1711.

To my Lord Dartmouth.

My Lord :—Since my letter of the 28th current, I received information that Colonel Carey and some of the principal ringleaders in the late disturbances in Carolina, were come to this place. Whereupon, not judging it consistent with the peace of this government to suffer such incendiaries to remain here, I thought fit to examine them touching their intentions in coming into this government. They alleged they came hither to get a passage for England, that they might justify themselves before the lords proprietors for what they have done; but withal refused to give any security to answer there; and, finding so much shuffling and evasion in all their discourses, as plainly showed they intended nothing less than to stand a trial, I have thought fit to send them home by the men-of-war of this convoy, that they may be made accountable for their actions, either before the lords proprietors of Carolina, or in such other manner as her majesty shall think fit. I have directed the commodore, upon his arrival in England, to give your lordship immediate notice, and wait directions for the disposal of the prisoners; and I must humbly offer my opinion, that if measures are

not taken to discourage such mutinous spirits, especially when they become so audacious as to take up arms, and even to confederate with savages, it may prove a dangerous example to the rest of her majesty's plantations.

Governor Spotswood to the Earl of Rochester.

[EXTRACT.]

To the Earl of Rochester. Virginia, *July* 30, 1711.

My Lord:—The extraordinary situation of affairs in my neighborhood gives occasion to the doing myself the honor of this letter, wherein I shall be cautious of taking up your lordship's time with any needless detail of the distractions in North Carolina, well knowing there are persons now gone over to make a full representation thereof, and that, if the particulars be judged material, they would be communicated to your lordship by her majesty's secretary of state and by the Council of Trade, to whom I have written at large on this head; and therefore shall only, in general, say that when I found a mob up in arms, obstructing the course of justice, demanding the dissolution of the Assembly and the repeal of all laws they disliked, rejecting the mediation of this government, and slighting the concessions made by their president and council for redressing all the grievances they thought fit to communicate, when they declared their intentions to act another Antigua tragedy, and not only threatened to call the Indians to their alliance, but actually endeavored to engage the Tuscaroras in a barbarous design of cutting off all her majesty's subjects that were not of their party, I thought it high time to interpose, with a force from this colony, to put a more effectual stop to their madness; which I rejoice to tell your lordship is now happily accomplished, and that party dispersed without effusion of blood.

Governor Spotswood to the Council of Trade.

[EXTRACT.]

To the Council of Trade. Virginia, *October* 15, 1711.

My Lords:—After what I writ to your lordships the 28th of July last of the success of my endeavors for quieting the commotions in Carolina, I was in hopes I should not have had occasion to trouble your lordships again with the affairs of that country; but a more dismal and unexpected accident happening there lately, I think it my duty to give your lordships the following account of it, together with my proceedings thereupon:

On the 22d of the last month, some towns of the Tuscarora Indians and nations bordering on Carolina, made an incursion upon the head of Neuse and Pamplico rivers, in that province, without any previous declarations of war or show of discontent; and having divided themselves in parties, at sunrise (which was the signal for their bloody design) began a barbarous massacre on the inhabitants of the frontier plantations, killing, without distinction of age or sex, about sixty English and upward of that number of Swiss and palatines, beside a great many left dangerously wounded. The Baron de Graffenreid, chief of the Swiss and palatine settlement there, is fallen into their hands, and carried away prisoner; since which they have continued their ravages in burning those plantations and others deserted by the inhabitants for fear of the like. I will not affirm that will be a heavy charge against Colonel Carey, that the invitation his party gave the Indians to cut off all their fellow-subjects has been the occasion of the bloody massacre, though that charge is proved by good testimony and firmly believed in Carolina; but I am very certain the Indians would never have attacked them if their divisions had not given too great encouragement. Mr. Hyde, the governor of that province, has raised what men he could to defend the rest of the country, and to suppress these savages; but the people have been so long accustomed to disobedience to government, that they are not to be brought under discipline or rule, and I very much fear their mutinous behavior among themselves, and cowardice in some skirmishes they have had with the Indians, will embolden the latter to further insolence. Upon the first advice of this fatal accident, I sent out detachments of our militia to our tributary Indians to hinder their joining with the other savages; and understanding that several of the Tuscarora Indian towns refused to be concerned with the other Indians in this war, I have sent to them and other neighboring Indians to meet me the next week, at a place I have appointed on our frontiers, in order to come to some treaty; and as those Indians stand in some awe of this government, both from the imagination of our strength and from the consideration of the straits they would be put to by the loss of our trade, I expect at this conference to work so far on their fears and interests that I may at least preserve their friendship if not engage their assistance in the destruction of those assassins.

Governor Spotswood to the Council of Trade.

[extract.]

To the Council of Trade. Virginia, *November* 11, 1711.

My Lords:—The last letter I had the honor to write to your lordships, of which the inclosed is a copy, gave an account of my intended progress to our southern frontiers to the deputies of the Tuscarora Indians. Accordingly, having drawn together to Nottoway town, against the time appointed, the militia of the three neighboring counties, consisting of upward of sixteen hundred men, five of the great men of that nation arrived very opportunely, just at the time I had brought the militia under some discipline; and were not a little surprised to find there so great a body of men in such good order. After entering into conference with them, I found, both by their discourse and also from what my messenger assured me of his observations while he was in their towns, that they were very desirous to continue in peace with the government, and seemed much concerned that any of their nation should have joined in the massacre in Carolina. I then proposed to them, either to carry on a war against those Indians, upon the promise of rewards to be paid them, or to join with her majesty's subjects of Carolina for extirpating those assassins; and that, for the better assuring us of their future good behavior, they should deliver two children of the great men of each town, to remain as hostages, and to be educated at our college. But as they had no authority to conclude any thing without the concurrence of the rest of their nation, they desired time to inform their towns, and promised to return with an answer by the 20th of this month; and I am in great hopes to obtain what I proposed by the readiness they have already showed in this meeting, as well as their frankness in procuring the liberty of the Baron de Graffenreid upon the demand I made of him, who was to be conducted home to Carolina the next day after my messenger left their country.

Governor Spotswood to the Council of Trade.

[extract.]

To the Council of Trade. Virginia, *December* 28, 1711.

My Lords:—The deputies from the Tuscarora towns, having been stopped by bad weather and the sickness of several of their number, did not arrive here until some days after their appointment. In the mean time, the House of Burgesses, upon a representation of the State of Carolina, presented

an address to me to declare war against the Tuscarora Indians concerned in the late massacre, and voted that the sum of twenty thousand pounds should be raised for that service. Upon which address it was resolved, with the unanimous opinion of the council, to make the necessary preparations for carrying on the war; but still with this reserve—that if the Tuscarora Indians who were unconcerned in that massacre should come in and agree to what I had proposed to them at Nottoway town, their alliance and assistance should be accepted. Accordingly, as soon as the deputies arrived, I entered into conference with them, at which the House of Burgesses were present; and after they had offered the reasons that delayed their coming in, and expressed their readiness to assist us against the Indians concerned in the late massacre, and their desire to continue in a strict friendship with all their majesty's subjects, and more especially by their interposing for the delivery of the Baron de Graffenreid out of the hands of the enemy upon my desire; having given proof of their good disposition to peace, as the baron confirms in his letter then before the House of Burgesses, and acknowledged his liberty to be owing to the good offices of those Indians—I had reason to expect the like sincerity in performing the articles of this treaty, wherein their interest is so much more concerned, and concluded the House of Burgesses would lay hold of so favorable an opportunity of carrying on the war at a less charge than they had projected. But their proceedings were quite contrary; for at the very time these negotiations were on foot, they went on with their bill for raising the army.

Governor Spotswood to the Council of Trade.

[EXTRACTS.]

To the Council of Trade. Virginia, *February* 8, $17\frac{11}{12}$.

My Lords:— . . . For, had they really intended to carry on the war against the Indians, they could not have done it in a more frugal way than by the treaty I concluded with the Tuscaroras; but though that was entered into at the instance of their own House, they have made no provisions for enabling me to perform the terms of it. Indeed, some of that House have, since the dissolution, owned, more freely than they would do while sitting, that most of the irregularities of their proceedings are owing to some rash votes, passed without foresight, which they could not afterward get over, without breaking through the rules of their House, and so they chose rather to let the country suffer, than own themselves in an error.

* * * * * * *

In the mean time I am taking all necessary precaution to secure the country against the Indians, by keeping the Tuscaroras in our interests, to which purpose several gentlemen of the council have offered to advance me, on the credit of the revenue, for enabling me to perform the treaty with them, and I hope I shall by that means put a speedy end to the present danger; unless the French, who, it is said, now trade with Indians not very remote, should find means to unite their Indians with those concerned in the measures, and furnish them with arms and ammunition to attack us.

At present, the danger seems much more to threaten North Carolina, where the Indians daily gather strength, and have already besieged a party of the inhabitants in a small fort they had built for their protection. The distractions among themselves, give the Indians all the opportunities they could wish of destroying them; for, as our Burgesses, for their private interests, have disappointed all means of defending the country, so those of Carolina, on a worse principle, have resolved to sacrifice that province to their private resentments; and because they could not introduce into the government the persons most obnoxious for the late rebellion and civil wars there, they will make no provision for defending any part of their country, and are now in like manner dissolved without doing business. The Baron de Graffenreid, being obliged while he was prisoner among the Indians to conclude the neutrality for himself and his palatines, lives as yet undisturbed by the heathen, but is sufficiently persecuted by the people of Carolina for not breaking with the Indians, though they will afford him neither provision of war or victuals nor assistance from them. He has always declared his readiness to enter into a war as soon as he should be assisted to prosecute it, but it would be madness in him to expose his handful of people to the fury of the Indians, without some better assurance of help than the present confusions in that province give him reason to hope for. And the Indians would soon either destroy that settlement, or starve them out of the place by killing their stock and hindering them from planting corn. In the mean time the people of Carolina receive very great advantage from this neutrality, for by that means the baron has an opportunity of discovering and communicating to them all the designs of the Indians, though he runs the risk of paying dear for it if they ever come to know it. This makes him so apprehensive of his danger from them, and so diffident of help or even justice from the government under which he is, that he has made some offers to remove with the palatines to this colony, upon some of her majesty's lands.

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Your lordships will also be pleased to instruct me as to the settlement of a great number of the other inhabitants of North Carolina, who, I understand, design to remove hither for protection.

Governor Spotswood to Lord Dartmouth.

[EXTRACT.]

To my Lord Dartmouth. Virginia, *July* 26, 1712.

My Lord :—I have, on former occasions, acquainted your lordship of my endeavors to assist Carolina for making a speedy end of this war, and of the disappointment I have met with, both from our own Assembly and from that government. I am now to inform your lordships, that after the treaty concluded with the Indians by the commander of the South Carolina forces, he has been the first that broke it, by surprising some towns who thought themselves secure on the faith of that treaty, and immediately set sail with his prisoners for South Carolina, leaving the people, for whose assistance he was sent, in a worse condition than he found them; for the Indians, enraged by this piece of treachery, have again begun their hostilities, and committed two fresh massacres on Neuse River, and but the other day killed three, and wounded two, of our tributaries as they were hunting on our frontiers, which I look upon only as an earnest of what we may expect after their conjunction with the Seneguas.

No. XVII.

Colonel Pollock to Colonel Moore.

[*From the* Pollock *MSS.*]

Honored Sir :— *March* 31, 1713.

This day, by yours of the 26th instant, I had the joyful news of your great victory over our enemy Indians, which, as it will, I hope, be a great means to bring safety and peace to this country, so it will redound much to your honor to have been the chief instrument in so great and good a work. But as the best of metals is mixed with some alloy, so the joyfullest news many times with qualifying circumstances: as my not hearing from Captain Maule nor none of his company, makes me doubt that he and most of his company are killed or wounded.

Your offer of the continuance of your service for the good of this poor country is noble and generous, and I heartily wish we could have the hap-

piness to have you stay amongst us until the war is finished. And as for my judgment of what measures are most requisite in this present juncture of affairs, I think to the uttermost of our power this blow ought to be vigorously followed until our enemies are forced to submit themselves: to do which there is wanting more white men, more Indians, and more provision. As for white men, you know how difficult it will be to raise any number out of this country, but know not but some may be had out of Virginia, of which it may be now time to concert measures with the government there. As for more Indians, it seems some accident hath hindered those two hundred that Governor Craven writ were coming. And if you send for any more now, it will, I believe, be July or August before we can expect them here. So we must consider what we must do for provision for them then. We have a sloop with eight hundred bushels corn, thirty-two barrels meat, and some tobacco, now coming round, as I am informed, which, I believe, might be sufficient to maintain the forces now with you until August next; and, I believe, with some pains, there might be four or five hundred bushels corn more raised. Now, I would know whether you think this four or five hundred bushels corn, with what new corn and peaches may be had at the Indian towns, and what wheat may be had of the people here (which I doubt would be but little), would last until our new corn is gathered, and carried round, which, I believe, might be in the end of October. Now, if you have but three hundred Indians come in, which, I believe, might be enough, the five hundred bushels corn before mentioned will keep them and the forces you have with you one month; and it will be hard if what corn and peaches may be had at the Indian towns, and what wheat may be had amongst the people here, will not last them two months more, until new corn can be got round to them. So that, albeit I durst not engage, yet if you send for such a number of Indians, you may assure yourself there shall be no want of my endeavors to supply them. For I am really in the mind our enemies will hardly put any more trust in their forts, but rather trust to the swamps and pocosons, where the Indians are better than the whites.

I have given a rough and unpolished account of the state of our country, and of their ability in carrying on the war, to the best of my knowledge, with my own opinion that this blow is vigorously to be followed.

Now I leave it to your prudent consideration what number of Indians you think will be convenient to send for, and how you think our provision will hold out. Also, if we have any white men from Virginia, I doubt we must expect little more supply of ammunition; for the money raised there will be for paying off their forces: so ammunition must be had from South Caro-

lina. I have much more to write, but the hastening away the post hinders me, and makes me write so confusedly, which I hope you will excuse.

I have ordered the council to meet here the 15th of April, where and at which time I would humbly intreat the honor of your company, to concert together the proper measures for the safety and peace of this country. I have likewise taken care to provide a messenger to carry your letter to the Governor of Virginia, and I doubt not you will have an answer in by that time.

Colonel Pollock to the Governor of South Carolina.

[*From the* Pollock *MSS.*]

Honored Sir :— Chowan, *April* 2, 1713.

It has fallen out, as I conjectured, that Colonel Moore's Indians, upon taking the fort and getting some slaves, would march, the most part of them, home with their booty; so they have now all gone home, only a hundred and eighty that stay with him about Neuse River, where he now is, expecting our resolutions, and most generously offers the continuance of his service for the defence of the country. So I have appointed a meeting of the council the 15th of this instant, and expect Colonel Moore will be with us by that time.

Colonel Pollock to Governor Spotswood.

[*From the* Pollock *MSS.*]

Honored Sir :— Chowan, *April* 25, 1713.

Yours of April the 7th is received, and I am altogether of your opinion, that, seeing we are not able to carry on the war, it is best to make an honorable peace, if we can, while the smart of this blow is fresh in their minds; in order to which, Tom Blount coming in here to the council, we have come unto some agreements with him: the chief whereof is, that, for his faithfulness and good service done to us, we will make and acknowledge him king and commander-in-chief of all the Indians on the south side of Pamplico River, under protection of this government; and that we will make a firm and lasting peace with him and all the Indians that acknowledge him as sachem, he being to deliver to us twenty of the chief contrivers of the taking the baron and Mr. Lawson, and of carrying on the massacre, whom we name to him; and to deliver up all the captives, horses, arms, goods, and cattle taken from the inhabitants; and to pursue, kill, and take, as enemies, the Cotechneys, Mattamuskeets, and all other Indians, enemies to

the English; and to deliver up to us any of his Indians that we can make appear hath had any hand in the massacre. These are the substance of the chief articles. For security of his performance of which, he is, on the 10th or 11th of the next month, to be in at the Assembly with two hostages from each town that is left.

Tom Blount informs me that most of the other Indians that were not in Naharuke Fort that was taken, were got into another fort called Cohunche, who, upon hearing of the taking of Naharuke, all scattered and left their fort, most of them going up Moratuck River.

Now, if Tom Blount come in and make a peace, and as he promises, we shall have only Mattamuskeets, Cotechneys, and Cores to deal with, who, albeit they may give us a great deal of trouble, yet I am in hopes, if Colonel Moore continue in with us with his Indians, they may be brought under in a short time.

Colonel Pollock to Governor Spotswood.

[*From the* Pollock *MSS.*]

[EXTRACTS.]

Honored Sir:— *April* 30, 1713.

Our own divisions (chiefly occasioned by the Quakers, and some few other evil disposed persons) hath been the cause of all our troubles. For the Indians, being informed by some of the traders that the people that lived here were only a few vagabond persons that had run away out of other governments, and had settled here of their own head, without any authority, so that if they cut them off, there would be none to help them: this, with the seeing our own differences rise to such a height that we (consisting of only two counties) were in arms each against other, encouraged them to fall upon the county of Bath, not expecting they would have any assistance from this county or any other English plantations. This is the chief cause that moved the Indians to rise against us, so far as I can understand.

And as the Quakers, with their adherents, have been a great occasion to the rise of the war, so they, with two or three persons more (not in such post of profit and trust in the government as they desired), have been the chief cause that the war hath not been carried on with that vigor it ought, by their disobedience to the government encouraging others to disobey. And in several precincts, they being the most numerous in the election fields, chose such members of Assembly as opposed chiefly what was necessary for

carrying on the war. So that the generality of the people, seeing that the Quakers, for their disobedience and opposition to the government, rose actually in arms, and had attacked the government and council, and had escaped without any manner of punishment, they were emboldened to do the like, and seemed to want only one to head them to carry on another insurrection.

As for ability in carrying on the war, it is so little, that we must, if possibly we can upon honorable terms, conclude a peace: the country being more in debt than I doubt they will be able to pay this ten or twelve years, our public bills not passable, and little or no provision to be raised in the government to maintain any forces out against the enemy.

Colonel Pollock to the Governor of South Carolina.

[*From the* Pollock *MSS.*]

Honorable Sir:— *May* 25, 1713.

We have concluded a peace with King Blount and all the other Tuscaroras that will come in under him, he being to deliver up all that we can prove have had any hand in the massacre, a copy of which articles I have sent herewith enclosed. We were induced to this by reason we were not able to raise more provision to maintain the army; and also it was thought better to have some of them on the frontiers, than to have our out plantations lie open to the insults of any of them that should escape, or of any other straggling Indians.

As for Colonel Barnwell, I can find nothing more material to be made appear here against him, than what your honor hath account of already; as for what private transactions have been carried on between him and Mr. Moseley, they have been kept so in the dark that it is next to an impossibility to prove them.

In answer to yours by Mr. Roach, and one from himself, I wrote to him, that if any person had wronged him, the law was open, and he should have justice done him impartially; and what goods of his had been impressed for the country's service, on his putting his claims into the Assembly, I doubted not it would be allowed him; and as to his settling here in this government, he being one excepted in the proclamation, if he came in and gave bond with

security to answer at the provincial court what should be objected against him, on her majesty's behalf, when required, that I was willing he should not be called to answer until the lords proprietors' pleasure therein were known; notwithstanding which, he comes with his sloop into Neuse River, and there trades for slaves and other goods, without entering or clearing with the collector, but gets a simple man, for threatening and drink, to enter and clear his vessel, and so is gone without paying the duties imposed on West India goods by our law, as I am informed: so that he acts with the greatest folly imaginable, expecting your honor will protect him in whatever he does here.

Colonel Carey is newly arrived from England, and I do not understand that he hath brought any thing from the lords proprietors; only says that Brigadier Nicholson is to be here very shortly to regulate and settle all affairs; and I heartily wish he were, not doubting but, being a prudent and generous man, he would take such measures as would prove effectual to bring the people under due obedience, and to see that the laws were better put in execution; which is practicable now to be done without raising a difference and rebellion again amongst ourselves, which might prove fatal in this juncture, while the Indian war continues.

Colonel Pollock to Governor Spotswood.

[*From the* Pollock *MSS.*]

Honored Sir:— Chowan, *June* 8, 1713.

Our Assembly having adjusted what public claims were put in, and enacted the making more public bills passable for all debts for rated commodities of the country, were adjourned until August next.

Colonel Pollock to Governor Spotswood.

[*From the* Pollock *MSS.*]

November 16, 1713.

Yours of October 16th came to hand last night, and as for the Meherrin Indians, you have had wrong information concerning them; for they have answered to our courts, they have submitted themselves by articles to this government, they have paid tribute here: so that they have not always been accounted in your government, but, on the contrary, have always here been taken to be in this; and it was only the convenience of trade that drew

them to submit to yours, and the weakness of this government that suffered it. And, moreover, they, living in the controverted bounds, are as much in our government as in yours, until the line is determined under which they are.

And as the tributary Indians under this government are as much under her majesty as the tributary Indians of any other of her majesty's plantations, so if I had endeavored to recover or preserve and insure the right to these Indians for the lords proprietors, I cannot see wherein it would have been any encroachment on her majesty's right, which I shall always study to preserve to the utmost of my power. As for your honor's acquainting us that we may not expect any assistance of men from the Meherrins, and that you have ordered them not to acknowledge our government, all that I can say to it at present is, that if her majesty's subjects under your government had labored under the hundredth part of the difficulties and troubles that the poor people here have, I should not only not have hindered those Indians that you had any pretence of right to, but have allowed and encouraged all other tributary Indians here, and all other her majesty's subjects to assist what they could. I think it very hard you should blame me for not appointing commissioners to lay out the bounds, when I never had any orders thereabout, either from her majesty or the lords proprietors.

I hope your honor will take no exception at my lawful endeavors to maintain my masters', the lords proprietors, right, so far as lawfully I can, it being my duty.

We have a report here that you are on some treaty with the Tuscaroras, and that there are intentions of drawing them in under your protection, and settling of them in your limits; which seems to me so unjust, and the consequences so apparently destructive to her majesty's subjects here, that I can never think those that mind their own rather than your honor or safety, and the prosperity of her majesty's subjects, can persuade your honor to consent to it.

No. XVIII.

Minutes of a Letter from Governor Spotswood to the Board of Trade.

[*From* Chalmers' *MSS. in* Mr. Bancroft's *collection.*]

June, 1713.

—— That the happy prospect of affairs in North Carolina gave him satisfaction. The forces sent thither this winter from South Carolina, under Colonel Moore, had obtained a considerable advantage over the Tuscaroras, by taking the only important fort they had, and by this and other rencounters had killed or taken *a thousand.* This blow having extremely frightened them, it was necessary to improve it by proposing a peace, since the government of North Carolina was unable to prosecute the war. This the more necessary, as it had been discovered that they had, all through the war, been aided by the Senecas and Five Nations. A party of these persuaded the neutral Indians to join the Tuscaroras, and had plundered some Virginia traders. This, with some murders, obliged him to command out all the rangers, but they had retired.

No. XIX.

Minutes from a Letter written by Governor Spotswood to the Board of Trade.

[*From* Chalmers' *MSS. in* Mr. Bancroft's *collection.*]

November 16, 1713.

His last gave an account of an intended expedition to secure the frontier from the incursions of the Tuscaroras, who had kept the colony in constant alarms; but badly seconded by the frontier inhabitants. Found it high time to endeavor to accomplish that by peace, which the disposition of the people would not enable him to do by war. With this view, sent out a party of tributary Indians, under the command of two traders, who, after ten days' march, found the Tuscaroras dispersed in small parties, in a miserable condition, living like beasts without habitation, and without other provisions than what the woods afforded. Debating whether to return home and run

the risk of being destroyed, or of submitting to the Senecas, who had made them large offers. They desire peace.

[They accepted the offers of the Senecas, joined them, and went to New York, thus adding a *sixth* to the "Five Nations."]

No. XX.

Colonel Pollock to Governor Spotswood.

[*From the* Pollock *MSS.*]

May it please your Excellency :— *August* 3, 1714.

Yours by Captain Dimming received, with her majesty's speech to this parliament, for which I return you my humble and hearty thanks. Governor Eden arrived here last May, all being in peace and quietness, only one or two small parties of enemy Indians that continued to do mischief on our frontiers. Colonel Carey is gone for the West Indies, but intends in again this fall.

No. XXI.

Minutes from a Letter written by the Council of North Carolina to the Lords Proprietors.

[*From* Chalmers' *MSS. in* Mr. Bancroft's *collection.*]

July, 1729.

"The council complains against Sir Richard Everard of matters of a heinous and extraordinary nature."

"Report to board of lords proprietors—dated September, 1729."

"That the governor who will be soon sent thither, be directed to inquire into the complaints of Everard's being a *Jacobite*."

Rulers during the Existence of the Proprietary Government.

1663–1729.

English Sovereigns.	Governors of Albemarle and North Carolina.	
1663	1663	Governors of Albemarle.
1664	1664	
1665	1665	
1666	1666	
1667	1667—Samuel Stephens. (October.)	
1668	1668	
1669	1669	
1670	1670	
1671	1671	
1672	1672	
1673	1673	
1674	1674—Carteret. (President of Council.)	
1675 Charles the Second.	1675	
1676	1676	
1677	1677—Miller. (President of Council. July.) Culpepper	
1678	1678 usurped the government. December.	
1679	1679	
1680	1680 John Harvey. (President of Council.) John Jenkins. (Appointed Governor.)	
1681	1681—Henry Wilkinson. (Appointed Governor. February.)	
1682	1682	
1683	1683—Seth Sothel. (Appointed Governor.)	
1684	1684	
1685	1685	
1686	1686	
1687 James the Second.	1687	
1688	1688	
1689	1689—Philip Ludwell. (Governor.)	
1690	1690	Governors of North Carolina.
1691	1691	
1692	1692	
1693	1693—Alexander Lillington. (Deputy Governor.)	
1694	1694	
1695	1695—Thomas Harvey. (Deputy Governor.)	
1696 William and Mary.	1696	
1697	1697	
1698	1698	
1699	1699—Henderson Walker. (President of Council.)	
1700	1700	
1701	1701	
1702	1702	
1703	1703	
1704	1704—Robert Daniel. (Deputy Governor.)	
1705	1705—Thomas Carey. (Deputy Governor.)	
1706	1706	
1707	1707	
1708	1708	
1709 Anne.	1709—William Glover. (President of Council.)	
1710	1710—Edward Hyde. (President of Council. August.)	
1711	1711	
1712	1712 Edward Hyde. (Governor. January.) Thomas Pollock. (President of Council. September.)	
1713	1713	
1714	1714—Charles Eden. (Governor. May.)	
1715	1715	
1716	1716	
1717	1717	
1718	1718	
1719	1719	
1720	1720	
1721 George the First.	1721	
1722	1722 Thomas Pollock. (President of Council. March.) William Reed. (President of Council. September.)	
1723	1723	
1724	1724—George Burrington. (Governor. January.)	
1725	1725—Sir Richard Everard. (Governor.)	
1726	1726	
1727	1727	
1728 George the Second.	1728	
1729	1729	

NARRATIVE.

CHAPTER VI.

CIVIL AND MILITARY HISTORY.

It will be remembered by the reader, that the earliest grant made to the lords proprietors did not include the whole of the present State of North Carolina. Its northern line fell short of the southern boundary of Virginia by half a degree of latitude. Notwithstanding this, an unwarranted exhibition of authority established virtually the proprietary dominion over this unappropriated territory. This assumption of title resulted from accident. Sir William Berkeley, one of the first body of proprietors, happened, at the time of the grant (1663), to be governor of Virginia; and no one knew better than he did, that the boundaries of the province over which he ruled did not extend as far south as Albemarle. But his co-proprietors, as soon as their patent had passed the seals, wrote to Berkeley, stating that they had been informed of the existence of a settlement on Chowan, and were of opinion that a government should be formed there forthwith. In the imperfect state of their geographical knowledge, they could not be certain that this settlement fell within their boundaries. In point of fact, the Chowan River was almost entirely without their limits. The thirty-sixth degree of north latitude, which was their chartered line, crossed the Chowan at or very near its mouth. They consequently had little or no jurisdiction over the ancient county of Albemarle under their first patent.

This, however, was a circumstance much too trifling to stand in the way of men who possessed the favor of their sovereign, and who had influence enough to obtain from the privy council an ordinance annulling all titles but their own. They accordingly, in

the same letter, requested Berkeley to visit this settlement on Chowan, and to appoint for it a governor with six councillors, who might administer its affairs. To Berkeley was committed the power of confirming the settlers in their respective possessions, and to make grants of lands, allowing three years for the payment of quit-rents. The governor and his council, with "the consent of the delegates of the freemen," were empowered "to make laws for the general good, transmitting them for the approbation of the proprietors."[1] Berkeley, in the autumn of 1663, complied with these requests of the proprietors: he visited Chowan, confirmed and granted lands, and appointed a governor and council, as desired. Thus was the first governor of North Carolina appointed,—not by the vote of the people, not by seeking any expression of their wishes in any mode, but by one man, acting under the direction of others, who had no more authority to direct than any other body of men in Christendom.

Berkeley appointed as governor, William Drummond, whose name is still perpetuated, in the region of Albemarle, by a lake in the bosom of the great Dismal Swamp. Of the first governor of North Carolina but little appears to be known; and the remark of the historian, who seems at least to reproach his predecessors for their ignorance on this subject, would probably have been less severe, had he but reflected how unavailing, after all, had been his own persevering research, in adding to that little.[2] He informs us, and we think truly, that he was of Virginia, because his name is found in the records of Virginia legislation; to which he might have added, that *all* the *first* settlers of Albemarle came from Virginia. He also informs us that he was a Scotchman, because, in a list of those whom Berkeley executed ten years afterward for participating in what was known as "Bacon's Rebellion," he finds the entry, "Drummond, a Scotchman;" and there is ample evidence that the rebel was the ex-governor of North Carolina. From the fact that he was a Scotchman, he infers that he was probably a Presbyterian; and so he may have been. From the known bigotry of Berkeley, it might, at first view, seem more reasonable to suppose that no one, not conform-

[1] Chalmers' An., p. 519. Ante, p. 28.

[2] 2 Bancroft's Hist., p. 185.

ing to the Church of England, would be appointed to office by him: but Berkeley's churchmanship, we apprehend, was elastic enough to yield to the pressure of policy. Probably, many of the first settlers in Albemarle were not particularly attached to the Church of England, though they might have been reared in it: that a considerable proportion was indifferent, we know. The Quakers were no small part of the infant colony: they had fled purposely to escape the tender mercies of the Episcopal establishment in Virginia, and the Puritan model in Massachusetts. Others, not of the Society of Friends, had come, many of whom probably cared but little for any religion at all, and looked with a favorable eye to an exemption from taxes for the support of an establishment: dissent was less expensive than conformity, and, in this sense, they were dissenters. It was politic, therefore, on the part of Berkeley to appoint as governor one not likely to be viewed with prejudice on account of an obnoxious creed. He was instructed by his co-proprietors to conciliate, as much as possible, for the purpose of obtaining colonists. We think, with the historian, that Drummond was a Presbyterian; and further, we believe that on that account, in part, he was appointed. The country, in fact, belonged to no one by virtue of any grant then existing, and Berkeley knew it. Had he exasperated the people at first by any demonstration of intolerance or bigotry, they might have forcibly resisted, or even overturned the government he sought to establish, without incurring the penalties of treason. His policy was to keep them satisfied, as he secretly contemplated the acquisition to himself and his co-proprietors of this unappropriated territory, by quietly obtaining from the king an enlarged charter, which should extend the royal grant to the boundary of Virginia.

Chalmers informs us that Drummond was a man of "prudence and abilities;"[1] Martin calls him "a man of prudence and fidelity:"[2] Mr. Bancroft, for "fidelity," substitutes the more equivocal merit of "popularity." In this we think he wrongs Drummond: mere popularity may be purchased by unworthy compliances and dirty means, while ability is the gift of God, and fidelity flows from elevated principle only. We do not find, in any

[1] Chalmers' Annals, p. 519.

[2] 1 Martin, p. 138.

thing we have read of Drummond, evidence that he was remarkably popular. On the contrary, from his bold and fearless spirit of resistance to Berkeley in the affair of Bacon, and from the direct and uncourtly plainness of his speech, we should infer that he was no popularity-seeker, and but little likely to be the idol of a mob; especially, if he invited them to array themselves against the influence and strength of a royal governor, and, putting a halter around their necks, to engage in undoubted treason. We think that Drummond was an intrepid and honest man, too proud to seek popularity; though it is not improbable that there were kindred spirits who could appreciate him, and who were ready to make him a leader, and follow the promptings of his strong mind and indomitable will; but these, of course, constituted, as they always do, the minority. Drummond, we are further told, was "deeply imbued with the passion for popular liberty."[1] For popular liberty in the abstract, we apprehend his sympathies were not particularly enlisted; for we cannot class him among those unprincipled demagogues, who are eternally shouting forth their disinterested love for the "dear people," and their earnest desire to preserve for them, "popular liberty." He contended for what he believed to be the liberty and rights of William Drummond; and in so doing, he resisted what he honestly deemed the unlawful exercise of authority by Berkeley. He failed in his resistance, and paid the penalty. He is entitled to respect, but not because of any lying affectation of disinterested "patriotism." He was not factious for the sake of mere faction, nor did he seek to revolutionize from an abstract admiration of political revolutions.

And here it may be as well to present the little we have found in addition concerning Drummond, and to trace him to his end. After his removal from Albemarle in October, 1667, he resided at James City, in Virginia. In 1675 the troubles in Virginia, known as "Bacon's Rebellion," commenced. The chief instigator of Bacon was undoubtedly a man named Laurence. He had been educated at Oxford, "and for wit, learning, and sobriety, was equalled there by few."[2] This individual had been, as he believed, unjustly treated by Berkeley in a lawsuit, some years

[1] Bancroft.

[2] Bacon's Rebellion, Force's Tracts, vol. i. p. 15 of Tract.

before, when his rights and interests had been sacrificed for the sake of a corrupt favorite. Personally he was the enemy of the governor, and his dislike was cordially reciprocated. It is not to be denied that the Virginians were greatly injured by the aggressions and murders of the Indians at the time Bacon took up arms; and that Berkeley, if not indifferent to the call made on him for redress, was, at any rate, less prompt than the exigency demanded. Laurence was Bacon's chief adviser; and "the received opinion in Virginia very much attributed the promoting these perturbations" to him.[1]

Drummond had no reason to love Berkeley. He differed from him in religion, in politics, and in habits. There is, however, no evidence that we have seen to show that from the time Berkeley removed him from the government of North Carolina, up to the period when Bacon took up arms, he had been other than a quiet and orderly citizen of Virginia. He was, indeed, and he very well knew it, the object of the governor's bitter animosity; but his contemporaries tell us that he "was a sober Scotch gentleman, of good repute."[2] Whether Bacon's movements roused him, or whether he stimulated Bacon, we cannot tell; but, after the troubles began, he very soon attached his fortunes to those of the men associated in arms under Bacon; and his intelligence and position in society, added to the decision and courage which were his characteristics, necessarily made him prominent.

It is not to be doubted that his resolution of purpose was strengthened by the sympathetic ardor of his wife. She was a woman of high order of intellect, and in personal courage not inferior to her husband. She shared alike his feelings and his perils. Ever hopeful, her constant exclamation was, "We shall do well enough." "The child that is unborn," said she, "shall have cause to rejoice at this rising of the country." To those who in their timidity shrank from a possible collision with the power of the mother country, she said, "I fear the power of England no more than a broken straw;" and suiting the action to the word, she snatched a twig from the ground, and, breaking it in two, threw the fragments from her in indignant scorn, as if to indicate

[1] Bacon's Rebellion, Force's Tracts, vol i., Appendix to Tract.
[2] Ibid., p. 23 of Tract.

the contempt she felt for the power she was thus boldly contemning.

But these were exhibitions made when the proceedings of Bacon had reached a height that admitted of no compromise. Drummond had too much sense not to perceive that so far as he, at least, was concerned, the issue was one of life or death. "I am in over shoes," said he; "I will be in over boots." His language to Laurence was, "Your sword is your commission and mine too; the sword must end it." There was a desperate earnestness in both these men. During the strife they both set fire to their own habitations, lest they should give shelter to the governor and his troops; and Berkeley knew them so well, that in his proclamation of pardon, they were specially excepted from its benefits.[1]

Drummond was at length taken prisoner. Laurence (as it is supposed) drowned himself, to escape falling into the hands of Berkeley. When the governor saw his unfortunate prisoner before him, he could not conceal his triumph, nor withhold his brutal mockery. There was no generosity in his nature; he was alike heartless and vindictive. His salutation, accompanied by a profound and insulting bow of feigned respect, sufficiently indicates the almost inconceivable littleness of his vulgar soul: "Mr. Drummond! you are very welcome. I am more glad to see you than any man in Virginia. Mr. Drummond, you shall be hanged in half an hour."[2] His victim, who had doubtless counted the cost when he engaged in the work, replied with perfect coolness, "What your honor pleases." It required about two hours to erect a gibbet, convene a council of war, pass through the forms of a trial, and sentence the prisoner to death; at the expiration of that time he was executed. As if this were not enough to satisfy his revenge, he escheated Drummond's lands, claimed all his personalty as forfeited by his treason, and reduced his wife and children to beggary.

As to Mrs. Drummond, she remained in Virginia, and subsequent events in her life have suggested to the mind of one of the most patient, laborious, and enthusiastic students of our early an-

[1] Bacon's Rebellion, 1 Force's Tracts, p. 23. [2] Ibid., vol. i.

nals, an historical conjecture which is so plausible as to quicken our researches for further information.[1] This gentleman groups the following facts, as possibly illustrating the events of which we have been treating. Berkeley, as we have seen, appointed Drummond the first governor of Albemarle, in the autumn of 1663. In October of 1667, he removed him, and caused to be put in his place, Samuel Stephens, who died early in 1674. Berkeley married the widow of Stephens, who thus became Lady Frances Berkeley. In April, 1667, Berkeley retired from office, and returned to England, where he died, as it is said, from mortified feelings, produced by the king's rebuke of his bloody proceedings in Virginia. At any rate, the king's remark would have formed a suitable epitaph for Berkeley's monument, and unlike most monumental inscriptions, would have spoken the truth: "That old fool" (said the king) "has hanged more men in that naked country, than I have done for the murder of my father." After Berkeley's death, Lady Frances, illustrating what Dr. Johnson calls "the triumph of hope over experience," ventured a third time on matrimony, and became the wife of Philip Ludwell, who had been the active partisan and friend of Berkeley in the rebellion of Bacon. In 1689, Ludwell was made governor of Albemarle, and in 1693, of all Carolina, both North and South. It will thus be seen that the lady (who, by the way, retained, as by law she was entitled to, the title of Lady Frances Berkeley, up to the time of her death) had been the wife of three governors: two of Albemarle (Stephens and Ludwell), and one of Virginia (Berkeley). Mrs. Drummond had been the wife of one governor of Albemarle, who was removed by one of Lady Frances' husbands (Berkeley), and succeeded by another (Stephens).

In 1679, Mrs. Drummond, completely beggared by the death of her husband, appealed to Carolina, and sought to recover some debts due to her husband there; and also brought a suit against Lady Frances in Virginia, as a co-trespasser with her husband, Berkeley, in taking possession of the lands and goods of her husband under the alleged forfeiture for treason, and a Virginia jury gave a verdict in her favor.

[1] Ex-governor Swain, president of the University of North Carolina.

Nothing was more natural than that these two wives of governors should have sympathized with their respective husbands; and as their liege lords were thrown into a position of political and personal antagonism, and as the strife terminated at last in blood, nothing was less likely than that these ladies should love each other.

The influence of these females over their husbands may therefore form an item, worth the consideration of the historian of Bacon's rebellion, who is seeking to find *all* the causes that contributed to produce that event. It may be that, though the agency is unseen, the influence not potent, yet in part, at least, it may with truth be said, *Dux fœmina facti.* Without intending disparagement to the sex, we may be permitted to say, that two angry women may not only, severally, stimulate their husbands to increased resentment and violence, where a strife already exists between them, but may fan incipient alienation and dislike into the flame of positive quarrel, and furnish fuel to keep it brightly burning, when, if left to itself, the fire would smoulder and leave no trace beyond the mark of cold and harmless ashes. The historical question suggested by Governor Swain is this: How much had these ladies to do with the troubles of the Bacon rebellion? The drama resolves itself into three acts. Mrs. Drummond's husband is deposed from office; Mrs. Stephens' husband is put in his place. This is act the first.

Drummond is in open rebellion against Berkeley; his wife, as we have seen, urging him on; she who was Mrs. Stephens, in act the first, is now Lady Berkeley. This is act the second.

After both Drummond and Berkeley are dead, Mrs. Drummond is found dragging the Lady Berkeley of act second before the courts (now Mrs. Ludwell), to regain the property which she obtained as the wife of Berkeley. This is act the third.[1] Returning now from this digression, into which we have been led by the ingenious and suggestive conjecture of our distinguished countryman, we resume the thread of our narrative.

Berkeley's visit to Chowan had shown him the necessity of another patent to give to the lords proprietors jurisdiction over

[1] MS. lecture, delivered by Governor Swain in Raleigh, before the "Oak City Guards," in the winter of 1856-7.

the region in which they had directed him to form a government. Former writers on this subject conjecture divers possible causes which prompted the proprietors to ask for a new charter. Chalmers states that the information they had acquired, in careful exploration of the whole coast of their first grant, had brought to their notice, "on both extremes of their province, tracts of land that would form advantageous additions."[1] Martin tells us, that "surmising some lands beyond the *southern* boundary of their province to be of considerable importance," application was made for a second charter which might include them.[2] Anderson intimates that two considerations may have influenced them in seeking an addition to their territory. First, they thought their charter should extend further south, because all the rich silver mines that had then been discovered were nearer to the equator than thirty-one degrees. Secondly, the then feeble condition of Spain made the time favorable to the extension of British possession as far south on the Florida coast as still remained unplanted by Spain or any other European power.[3] These may all have been operative causes in producing, on the part of the lords proprietors, a desire of extending their settlements toward the south; but as it respects enlargement toward the north, they are inapplicable. Colonel Byrd of Virginia, who was born not long after the charter of 1665 was made, and who lived during the administration of Berkeley, states, and no doubt truly, that "Sir William Berkeley, who was one of the grantees, and at that time governor of Virginia, finding a territory of thirty-one miles in breadth, between the inhabited part of Virginia and the above-mentioned boundary of Carolina [36°], advised the Lord Clarendon of it. And his lordship had interest enough with the king to obtain a second patent to include it, dated June 30th, 1665."[4]

By this patent very large powers were granted; so large that, as Chalmers has remarked, "no one prerogative of the crown was preserved, except only the sovereign dominion."[5] He further adds, what has been repeated from him by every subsequent historian, that Clarendon the chancellor, who was impeached for in-

[1] Chalmers' Annals, p. 521.
[2] 1 Martin's Hist. of N. C., p. 140.
[3] Anderson's Hist. of Commerce, vol. ii. p. 641.
[4] Westover MSS., p. 8.
[5] Annals, p. 522. See abstract of charter, ante, p. 107.

troducing "*arbitrary government* into the plantations," might more truly have been charged with "sacrificing the legal powers of the crown, and the national rights, at the shrine of his colonial prepossessions."

But though this second charter defined the line that was to divide Virginia and Carolina, and stated on what part of the globe it was to be drawn, viz., 36° 30′ north latitude; yet astronomical observation had not fixed its precise locality, and consequently the people on the frontiers of both provinces entered land and took out patents by guess, either from the king or the lords proprietors. The grants of the latter, however, were more desirable, because both as to terms of entry and yearly taxes, they were less burdensome than the price and levies imposed by the laws of Virginia. This statement will explain the fact that some of the earliest grants of land, now confessedly in Carolina, but lying near the border, are signed by Sir William Berkeley. The oldest land title that we know in North Carolina, and that which we think was actually the first, is still on record. It is the grant made by *Cistacanoe*, king of the *Yeopim* Indians, in 1662, to Durant, for a neck of land at the mouth of Little and Perquimons rivers, which still bears the name of the grantee. In 1663, Berkeley confirmed this grant by a patent *under his own signature.*

How Drummond discharged his duties as governor, after Berkeley left him in Albemarle, we have no means of knowing. We may presume, however, that he ruled well, inasmuch as the number of inhabitants was small, the country yielded an abundance of food, the laws were liberal, Drummond himself was "a sober gentleman of good repute," and no complaint of his administration has come down to us. The probabilities therefore are, that he was a good governor. Why Berkeley removed him, we know not; we may conjecture that he supposed the time to have come when he might safely cease any longer to tolerate what he never cordially approved, and might indulge his bigotry by reducing a Presbyterian to the ranks. However, without undertaking to define his motives, it is our part to chronicle facts and say, that so it was, Berkeley removed Drummond in October, 1667, after he had ruled Carolina just four years, and caused to be appointed in his place Samuel Stephens.

Of some of the events that occurred during Drummond's administration, we have a slight record, though much less than is desirable. It will be remembered that the payment of quit-rents, in the grants made by Berkeley, was deferred for three years. But as the limited time drew near its close, the people (like all others unprepared to meet the day of payment, which inevitably comes at last), instead of reproaching themselves for inability, looked around for something else on which they might fasten the fault of their defalcation. They found it in the tenure by which they held their lands, and consequently determined to ask of the proprietors a change in that particular. In 1666, an Assembly met, and, in compliance with the wishes of their constituency, petitioned their lordships to permit the inhabitants of Albemarle to hold their lands on the same terms as those on which the Virginians enjoyed theirs. The proprietors, anxious, by pleasing the inhabitants, to invite additional settlers, readily consented to their request, and directed the governor to grant lands to settlers, in future, on their own terms.[1] As we have explained, in the previous chapter on the law and its administration, the advantage gained by holding lands on a tenure similar to that in Virginia, was an exemption from forfeiture, and a consequent return of the land to the proprietors in cases where, for every fifty acres in the grant, there had not been cleared and cultivated within three years at least three acres.

In the records of Perquimons, we find an entry showing that some of the inhabitants, shrewd Quakers, availed themselves of this concession, and by a formal act reserved to themselves all its benefits, when they afterward subscribed the "fundamental constitutions" They also indirectly entered their protest against an implied admission on their part, that the authority of the proprietors had any probable connection with "God's glory and the advancement of his blessed truth." Perhaps they thought that God would have nothing to do with their lordships, but to punish them hereafter for their sins. The entry is in these words: "Francis Tomes, Christopher Nicholson, and William Wyatt, did before me, this 31 July, according to the fundamental constitutions (sub-

[1] Chalmers' Annals, p. 520.

scribe), that they might not be disannulled of that gracious grant given by the lords proprietors in their Grand Charter, to hold their lands according to the tenure of Virginia, them and their heirs, &c.; and *so far as any authority, by the lords constituted, is consonant to God's glory and the advancement of his blessed truth*, with heart and hands we subscribe, to the best of our capacities and understandings." It is probable that they supposed subscription to the "constitutions" to be necessary to preserve their titles to their lands; but, in heart, detesting them, and never meaning to conform to them (for this was the general feeling of all Albemarle), they inserted, as a salvo for their consciences, a pious doubt whether their lordships were not given over to the suggestions of the devil in making the fundamental constitutions at all; particularly as they violated their previous contract, under which the inhabitants had come in and settled the country.

As to this legislative body or Assembly of 1666, we cannot think, with Chalmers, that it was probably the first that ever convened in the province.[1] Mr. Bancroft, however, assigns the year 1669 as that of the first Assembly; and despite the statement just quoted from Chalmers, professes to have followed him as authority, because his access to the proprietary papers afforded him the nearest approach to original sources of information. His reference, however, is to Chalmers' remark on the Assembly of 1669, the first under Stephens' administration, but not stated by Chalmers to be the first *ever held in the province*. Such a statement would have been a flat contradiction of what he had written but a few pages before of the legislative body of 1666. But it is unnecessary here to say more, as the subject has already been discussed on a previous page, in our chapter on the law and its administration.[2] All, therefore, that we can undertake to say of occurrences during Drummond's administration is, that an Assembly convened in 1664 or 1665; that about 1666 the first payment of quit-rents became due; that the people were not prepared to pay them; and therefore, through the Assembly of that year, petitioned the proprietors for an alteration of the tenure by which the lands were held, and that the petition was granted: and the evi-

[1] Chalmers' Annals, p. 520.

[2] Vide ante, p. 144.

dence that such a petition was made, is furnished by the lords proprietors themselves, in a document dated in May, 1668, in which they say they had "received a petition *from the Grand Assembly* of our county of Albemarle." There must, therefore, have been an Assembly *before* 1669 (the date of Mr. Bancroft); and the record of one *previous* to that year is Chalmers' statement of that of 1666. There was also one in 1664 or 1665.

Of Stephens, we know but little. We are inclined to believe that his appointment, unlike that of Drummond, was not made by Berkeley alone; though, probably, on his suggestion and recommendation. At the time of Drummond's removal, the offers to settlers, made by the lords proprietors, both in 1663 and 1666, were before the world; and, indeed, in the case of the Cape Fear colony, under Yeamans, we know they had been acted on. By these terms, it will be remembered, the colonists had a right to present certain nominees to the proprietors, out of whom their lordships were to select a governor and council. We apprehend this mode was followed in the appointment of Stephens; though, doubtless, the advice of Berkeley, who was on the spot, and knew the inhabitants, would direct the choice of his co-proprietors. Virtually, therefore, Berkeley appointed Stephens.

The Barbadoes adventurers had planted themselves on the Cape Fear in 1665. The proprietors had therefore now two colonies in Carolina, each with its distinct government, formed, however, on the same model. And now, before proceeding further with Albemarle, we must for a time invite the reader's attention to affairs on the Cape Fear. The existence of the colony from Barbadoes, under Sir John Yeamans, that settled in the old county of Clarendon, from its inception in 1665 to its abandonment in 1690, forms but an episode in the proprietary history of North Carolina. The colony, like all others similarly situated, sought at first to make provision for the supply of bodily wants, in securing food and shelter only; but having done this, it next proceeded to make profitable the gifts of Heaven that were around it. Yeamans had brought with him negro slaves from Barbadoes, and so inviting was the new settlement deemed, that in the second year of its existence it contained eight hundred inhabitants. The country was cleared for purposes of tillage, and the timber felled in

this operation soon found its way, in the shape of lumber, boards, staves, hoops, and shingles, to Barbadoes. Yeamans managed affairs well. He perfectly understood the nature of the colonial trade, and, according to the statement of Chalmers, "ruled" the colonists "with the affection of a father rather than with the authority of the governor."[1] The trade grew and prospered, emigration increased, and the Cape Fear colony promised well. Yeamans had received instructions for his direction, and he obeyed them.[2] He made grants of lands, reserving a halfpenny sterling for each acre, payable in 1670. He cultivated the goodwill of the natives, and thus preserved peace; and as to immigration, offered all the encouragement in his power. He had been told, that "as the southern colonies" were "already drained," "the greatest emigrations were expected from New England," and therefore he was ordered to "make every thing easy" to them.[3] No facilities he offered, however, ever brought *them* in large numbers. As Chalmers informs us, the proprietors, though they exerted themselves strenuously to procure inhabitants from many quarters, the "northern colonies" among the rest, were not very successful;[4] and a circumstance is related in New England history which incidentally shows that the colonists from New England could not have been either very numerous or wealthy. In 1667, by order of the general court of Massachusetts, a contribution was made throughout that colony for the relief of the settlers on the Cape Fear.[5] There were enough New England men there to excite the sympathy of their countrymen, but not enough to protect themselves from want. The region from which emigrants came in the largest numbers was Barbadoes. "The favorable reports which the islanders received from their friends on the continent induced new adventurers to follow the first. The merchants, induced by the profits which the first expedition had given, made frequent shipments; and the success of the lords proprietors' agents in that island in procuring colonists was so great, that the legislature of Barbadoes interposed its authority, and forbade, under severe penalties, *the spiriting people off the island*."[6]

[1] Annals, p. 523.
[2] Ibid.
[3] Ibid., p. 521.
[4] Ibid., p. 523.
[5] Hutchinson's Mass., vol. i. p. 226. Chalmers' An., 516.
[6] 1 Martin, 143.

But with all this prosperity, the colony on the Cape Fear was not destined to be permanent. The action of the lords proprietors themselves caused its abandonment; and it will contribute, we think, to perspicuity, if we here follow its fortunes to their close. In 1670, the lords proprietors, who seem to have been anxious to proceed more and more to the southward, sent out a considerable number of emigrants to form a colony at Port Royal, now Beaufort, in the present State of South Carolina. The individual who led the expedition was William Sayle, "a man of experience," says Chalmers, "who had been appointed governor of that part of the coast lying southwestward of Cape Carteret." The proprietors, not so much for profit as to carry on their colonies in the southern part of their province, had in fact become the only merchants in South Carolina. They employed vessels, and trafficked with Virginia, Bermuda, and Barbadoes, carrying to them the limited products of their settlements, and bringing back in return colonists, cattle, and provisions. This business, of course, involved some capital, and required considerable expenditure; and to look after these their commercial interests, they sent with Sayle a very honest and competent factor, Joseph West.

Scarcely, however, had Sayle carried out his instructions and made his colonists somewhat comfortable, before his constitution yielded to a new and insalubrious climate, and he died. Here then was an auspicious commencement suddenly checked, and the whole enterprise put in peril by this dispensation of Providence. It was not easy for the proprietors immediately to find a fit successor; and, even had such been at hand, some time must necessarily have elapsed before he could safely reach the scene of his labors. But Sir John Yeamans was near the spot: his long residence had acclimated him, and, as the historian states, he "had hitherto ruled the plantation around Cape Fear with a prudence which precluded complaint."[1] He therefore was directed to extend his command from old Clarendon, on the Cape Fear, to the territory which was southwest of Cape Carteret. This was in August, 1671.

The shores with the adjacent land, and the streams making into the sea, were by this time very well known to all the dwellers in

[1] Chalmers' Annals, p. 530.

Carolina, for the proprietors had caused them to be surveyed with accuracy. On the banks of Ashley River there was good pasturage, and land fit for tillage. The planters of Clarendon, therefore, turned their faces southward, while those from Port Royal travelled northward; and so the colonists from both settlements met on the banks of the Ashley, as on a middle ground, and here in the same year (1671) they laid, "on the first high land," the foundations of *old Charlestown*. In 1679, it was found that "Oyster Point," formed by the confluence of Ashley and Cooper rivers, was more convenient for a town than the spot previously selected, and the people, with the encouragement of the lords proprietors, began to remove thither. In the next year (1680) were laid the foundations of the present city of Charleston; thirty houses were built, and it was declared to be the capital of the southern part of the province, and also the port for all commercial traffic. This gradually depopulated old Clarendon.

Yeamans, the governor, unfortunately could not bear prosperity. "Instead of dedicating his chief attention to promote the happiness of the people by a salutary administration, he acted as the only trader of that little community, buying of the poor planters their provisions at low prices, and shipping them off to Barbadoes."[1] His commission was revoked in May, 1674, and Joseph West was appointed to succeed him. West was altogether worthy of the confidence reposed in him, and under his rule fresh colonists were found to come in from various quarters. The settlers in old Clarendon by degrees all found their way to the more southern colony; and though we cannot fix with precision the date of the last departure, yet we can say that by 1690 none were left: and thus were the banks of the Cape Fear, which had once been forsaken and advertised by New Englanders, now abandoned a second time by the colonists from Barbadoes. So that nearly all we can say of the banks of Cape Fear (except as the haunt of pirates), during the rule of the proprietors, is, that in the attempt to colonize, this region was *twice* the scene of failure; and, in the last instance, was abandoned without the pressure of necessity: it was prospering, and might have continued to prosper. We now re-

[1] Chalmers' Annals, p. 581.

turn to trace the fortunes of the settlement on Albemarle, under Stephens.

As before stated, he entered upon his duties as governor in October, 1667. We have but few data from which to form an opinion of his qualifications for office. Chalmers tells us but little when he says that he was "a man whose abilities and virtues were thought equal to the trust."[1] Of course, those who appointed must have supposed him to be fit for the work; but we have not the means of determining how far this supposition was correct. His instructions were very full and explicit. The Assembly was to be composed of the governor, a council of twelve, and twelve delegates chosen by the freeholders. Of the twelve councillors, whose advice, by the way, the governor was required always to take and follow, one half was to be appointed by the Assembly, the other half by himself. To this Assembly belonged not only the power to make laws, but a large share of the executive authority also. It possessed the right of convening and adjourning itself, it appointed all officers, and presented to all the churches. No taxes could be imposed without its consent.

As to the people, their lands were now confirmed to them anew, to be held by the tenure of free soccage: all forms of religion were allowed; and every man who took the oath of allegiance to the king, and of fidelity to the proprietors, was entitled to all the privileges of a citizen. Here was a grant of all the freedom rational men could desire, and it is due to the colonists to say that they were entirely satisfied: the system was alike simple and judicious, and possessed the great merit of being *adapted to their condition*. The people had sense enough to know and appreciate it.[2]

In 1669, the first legislature *under this constitution* assembled. And it is worthy of remark, that at this period, when the province may be said to have had, for the first time, a system of regular government, there was in it a recognition of two great principles, which are now part of the political creed of our whole country, without distinction of party. These are, first, that the people are entitled to a voice in the selection of their law-makers; and secondly, that they cannot rightfully be taxed but by their own rep-

[1] Chalmers' Annals, p. 524. [2] Ibid.

resentatives. The liberality of these concessions was, doubtless, the result of policy on the part of the proprietors: little, however, did they foresee the harvest that was to spring from the seed they were then sowing; for it seems scarcely questionable that, in the exercise of the rights flowing from these two principles, the people learned their value; and a deep sense of that value was transmitted, from generation to generation, up to the time when those principles, written afresh in the blood of the Revolution, became consecrated in the affections of every American.

It was during the administration of Stephens that the colonists attained the consummation of their wishes in the matter of the tenure of their lands, concerning which, it will be remembered, they had, through the "Grand Assembly" of 1666, applied to the proprietors. The answer to that application was contained in what is called the "Great Deed of Grant,"[1] bearing date May 1st, 1668. It is addressed to Governor Stephens, and, reciting the fact of a "petition from the Grand Assembly of our county of Albemarle," proceeds to direct that the lands there shall be held as they then were under the crown grants in Virginia. This was in the year preceding the first Assembly under Stephens' administration, of which we shall speak hereafter.

It has been remarked of this early portion of the history of North Carolina, that "it is probably as important and instructive as the annals of the most renowned states of antiquity, if we deduct from them the agreeable fables with which their eloquent authors have adorned them."[2] This is true. The picture presented is that of a people, who having been planted, in the first instance, by no agency but their own, and sustained by no external patronage, had framed for themselves such a system as their exigencies required: "few in number, they seem to have been governed chiefly by the customs they had brought with them from their ancient establishment." Presently, this little community acquires sufficient importance to tempt the avarice of a set of proprietors, who followed them into the wilderness, that they might reap where they certainly had not sown. We find these men in their earlier state, even though some among them were refugees

[1] Vide ante, p. 110.

[2] Chalmers' Annals, 520.

of at least equivocal characters, quiet, contented, and happy. Governing themselves, they felt no oppression; their system was one of freedom, and industry alone was necessary to acquire comfort and property. Equally secure in the enjoyment of personal liberty and of the earnings of their toil, their minds were undisturbed by the two great subjects that are apt to agitate men in the artificial arrangements of society. When the proprietors came in to assert their rights, acting with a policy exceedingly, and we may add, accidentally, wise, they disturbed as little as possible arrangements, the value of which necessity had taught the colonists; and therefore securing to them, on the easiest terms, their respective possessions, and withholding from them no tittle of the personal liberty they before possessed, they gave to them the right to elect their own representatives, and the power to frame their own laws. The first closed their mouths against complaint, because the remedy was in their own hands; while the second best insured such legislation as would be suited to the actual necessities of their position. The two great lessons here presented are, first, that civilized men will be quiet in any community where every one may acquire if he will, and each is secured in the enjoyment of liberty and the fruits of his industry; the second is, that, in any stage of society, and especially in the early one of colonization, prosperity will be most promoted by leaving to men the privilege of providing, by their own legislation, for wants which they best understand, in the actual exigencies of a position often without precedent.

In confirmation of this last remark we have but to look to the first legislation, in 1669, under this new model of government granted by the proprietors to Albemarle. No visionary speculations, founded on imaginary wants, disturbed the labors of the plain-minded, and it may be undignified, senate of the partially subdued wilderness. They looked at matters just as they were around them, and they legislated accordingly. If the severe morality of the present day sees fit to condemn them in some particulars, let it be remembered, that in the judgment of the future all *our* legislation will not probably abide the stricter scrutiny of those who will then claim to be better than we are now; and that beside, the standard of morals was in some particulars more or

less low at that day in every colony on the continent, not even excepting New England, where it claimed to be highest.

The first efforts of legislation in North Carolina were made by poor, hard-working men. Some had sought the wilderness in the hope of building up a competency from the very foundation; while others had brought the shattered remains saved from the wreck of former opulence, trusting on a new field to repair their ruined fortunes. These men had for some years lived remote from the control of any government save that which was self-imposed. Doubtless there were among them, too, some whose lives of crime had made them seek the province as a refuge; and it is not unlikely that bankrupt debtors may have turned to it as an asylum. Virginia (whence all came at first) could have furnished it with numbers of both these classes. The legislature of 1669 pursued a principle of colonial policy by no means peculiar to them. "It has always been an universal principle of colonial policy to obstruct *the recovery of debts*." The Assembly acted on that principle. They did not destroy entirely the indebtedness, but suspended for a time the power of *recovery* merely, *as against new-comers*. In the preamble to their law they assigned a reason for this, in the fact that sufficient encouragement had not been afforded to the introduction of settlers and peopling of the colony. The enactment was, we think, as we have stated in our chapter on the law, and to that we refer the reader.[1]

Another law, of which we have spoken fully on a previous page,[2] related to marriage; and considering the contract as civil merely, the Assembly legalized it when accompanied with certain formalities before the higher magistracy.

They also exempted all new-comers from taxes for one year; and no one could transfer his land during the first two years after his coming into the province. The first of these enactments *invited* settlers; the second *detained* them.

A tax of thirty pounds of tobacco on every lawsuit was imposed, to pay the expenses of the governor and council; and all strangers were prohibited from trading with the Indians.[3]

One cannot but be struck with the fact, that every one of these

[1] Vide ante, p. 151.

[2] Ante, pp. 152–3.

[3] The authority for these laws is Chalmers, pp. 524–6.

laws, save the last two, is designed to provide a remedy against the want of population; and doubtless, amid the abundance of necessaries around them, no evil was felt more sorely than this. Without men, the country could be nothing but a wilderness. The legislation was dictated by the actual wants of the people, as taught by experience.

The proprietors confirmed all these laws: they must therefore bear a part of the censure which may be attached to them. Nor must the censure be confined to them. Other colonies enacted similar laws concerning marriages and remission of taxes; and a stay of execution on judgments is provided for on more than one of the statute-books of the other provinces.

In North Carolina these laws continued for more than half a century. They may all be found confirmed at the revision of the laws in 1715, as the first six acts of the session of that year; and they finally ceased to appear on the statute-book, not because of a formal repeal, but because, by the lapse of time, they had become obsolete. The policy of the law obstructing the recovery of debts may well be doubted. If it brought some in, it kept better men out. It was not inviting to those who, having means wherewith to pay their debts, needed not its provisions; and they were not strongly tempted to emigrate to a spot where many of their companions and associates would probably be men of broken fortunes; and some undoubtedly would be as poor in character as they were in purse. The natural effect of such a law was to screen dishonest bankrupts, and we doubt not that such came into the province. England furnished Virginia with as much as she could of her own vicious population; she made her the unwilling recipient of convicted felons, and a portion of the refuse of that refuse wandered over into Carolina. Under such circumstances, neither Virginia nor Carolina are to be blamed for what they could not prevent; and the only wonder is, that, with such treatment, either State ever became what it now is. There must have been in them both some material that was good, or they never had survived these tender mercies of the mother country. Neither Virginia nor Carolina ever owed a large debt of gratitude to England for her nursing care as a gentle mother: they struggled through a painful infancy, and lived to manhood, in spite of her.

The people, we have reason to believe, were contented and happy during the early part of Stephens' administration. If they increased but slowly, they were surrounded with abundance, and were content with laws of their own enacting. But this quiet condition of affairs was not to last. We have now reached a period in our history which illustrates the fact, that whatever wisdom may be apparent in the constitution given to the Albemarle colony by the proprietors, on the accession of Stephens, was less the result of deliberation than of a happy *accident*. Their lordships intended it to be but temporary, and therefore, making it brief and simple, they happily fixed on a few general principles, which, in the dearth of settlers, recommended themselves by their liberality. But the time had now come for the proprietors to carry out their magnificent project of founding an empire; and disregarding alike the nature of man, the lessons of experience, and the physical obstacles of an unsubdued wilderness (even not yet entirely reclaimed), they resolved that all should yield to their theories of government, and invoked the aid of philosophy to accomplish an impossibility. Locke was employed to prepare "the fundamental constitutions." Of these we have spoken so fully on a previous page, that there is no need here of entering into details.[1] All we will say is, that their illustrious author, in his effort to furnish a miniature copy of the old Saxon government of England, forgot that the Carolinians were not ancient Saxons, and that the year of grace 1669 was not the year 800. In framing his system, he gathered his materials from different sources; but he overlooked one much more important than any of those to which he resorted: we mean the actual condition and habits of the people. In numbers they were small, and their habits had taught them to yield but little deference to the artificial distinctions of rank in society. They cared nothing for palatines and landgraves: a good stout axe-man was worth them all.

But the proprietors were satisfied with Locke's work, and forthwith determined to subject their American dominions to the new regulations. So they appointed Albemarle the first palatine, and, at an expense of twelve thousand pounds, sent out, in the begin-

[1] Vide ante, p. 182.

ning of 1670, a fleet with a considerable body of emigrants. This was the expedition under Sayle, of which we have already spoken, the destination of which was Port Royal. Upon the establishment of that settlement, the proprietors had in America *three* several colonies, each under its own governor and council, and no further related to each other than by the fact that they all belonged to the same masters. These three were—Albemarle, under Stephens; Cape Fear, under Yeamans; and Port Royal, under Sayle.

When Sayle led his followers to Carolina, he was commanded to proceed in the government according to the plan of the "fundamental constitutions." From the first hour of landing, it was seen to be simply impracticable; and there is an amusing simplicity in the early declaration of the Port Royal colonists, that it was "*impossible to execute the grand model*," coupled as it is with the promise to "*come as nigh to it as possible*." How near it was possible, may be gathered from the doings in the Albemarle settlement, to which we now return.

Sayle brought out with him instructions to Stephens to put in motion the "grand model" in Albemarle; but there is no evidence to show that similar directions were given to Yeamans on the Cape Fear. The hardy yeomen of Albemarle, who knew their true condition and wants far better than any one else could, received the "grand model" with undisguised disgust: they were even irreverent enough to treat with derision the stupidity that planned landgraves and caciques to figure in the wilderness; and expressed their opinions touching their lordships, in language which we fear was more energetic than complimentary. Their vocabulary, when they were angry, was not remarkable for refinement or euphony. We think it probable that they "swore terribly." They felt that they had encountered toil, and submitted to privations in settling the country, *upon conditions* proposed by the proprietors themselves: they had, therefore, come in upon an express *contract* with their lordships; and they were at a loss to perceive how one of the parties to the contract could equitably annul it, without the assent of the other contracting party. They had, by honest fulfilment of the undertaking on their part, acquired an interest in the form of government, actually established and then in being with their lordships' express consent, which could not now lawfully be

taken from them, against their will. Thus they reasoned; and they scanned the various provisions of the new "constitutions" with an earnestness that was increased by a jealous suspicion of the proprietors' motives. There were not wanting those who had nothing to lose, but might gain by agitation; and these fanned the flame of discontent. The question would naturally be asked, why Cape Fear colony was permitted to proceed on the old system; if, as we suppose to be the case, no instructions had been sent, enforcing the "grand model" there. A rumor was, ere long, circulated and believed that the proprietors meant to dismember the province and divide it among themselves; and that Albemarle was to become the private property of Sir William Berkeley.

We have not been able to discover any foundation for this rumor, and all the historians, from Chalmers down, pronounce it to have been groundless. However false it may have been, it was nevertheless believed, and produced no little commotion. The Carolinians had no special affection for Berkeley; his power was dreaded, and it must be confessed, not without reason. The rumor seems to have continued for some years, and so much credit was given to it that it was deemed worthy of formal official notice. An Assembly met in 1675: Stephens was then dead—but the report still lived—and a remonstrance was sent by the legislature to the proprietors, deprecating the intended dismemberment. Their lordships assured the colonists that their fears were groundless, as their purpose was to preserve the province entire; at the same time they acknowledged that they had been wanting in attention to Albemarle.[1] And so they had: their attention had been engrossed by their more southern settlements, from which they expected larger returns; and Albemarle was left to be watched by Berkeley.

These assurances, however, did not serve to allay the discontent of the province; and both the proprietors and their deputies continued to be objects of suspicion. The fact is, that when their lordships signed the "fundamental constitutions," they unconsciously signed their own death-warrant, as proprietors of Carolina. In both the northern and southern settlements, the effect was the same. The destruction of a good system, established by the pro-

[1] Chalmers' Annals, p. 532. Ante, p. 373.

prietors themselves, adapted to the wants of the people, and under which the colonies were gradually, but surely, advancing to a prosperity becoming daily more and more stable, would of itself have been bad enough, had that been all. Such destruction would have unavoidably engendered discontent and provoked resistance. But when, as a substitute for that which had been thus needlessly, nay, wantonly, destroyed, it was attempted to force upon the Albemarle and Charleston colonies, without the slightest regard to either their will or their rights, a system which every colonist knew to be unsuitable—which, in its operation, might gratify the vanity, but could add nothing to the wealth of those who imposed it—the evidence became too palpable, of the utter indifference with which the proprietors looked on the personal comfort and welfare of those who were working for them, in the hard task of subduing the wilderness. When the colonists thus saw that, in their toils and hardships, they had no sympathy, they felt unwilling to be reduced to a condition of absolute slavery. They became disaffected, the seeds of discontent had been sown, the demagogues of the day industriously agitated, the people writhed in reluctant submission, and the progress was slow but sure to an ever-increasing alienation. It was not that the colonists suffered under the new body of laws, for the "fundamental constitutions" never were, because they never could be, followed; but it was the selfish *animus* that had prompted them, which rankled in the bosoms and exasperated the feelings of the Carolinians. In due time the fruit appeared, which proved that, neither at the north or south, did the colonists, the masses of the people, *love* the lords proprietors.

While the spirit of disaffection was thus ripening to a head, an incident occurred by no means adapted to check the dangerous growth. There was in the colony a man of some note named Miller, who was among the discontented, and who was accused of having indulged in seditious language. There was no reason why he should not be tried in Carolina—the courts were fully established; and yet Miller was sent a prisoner into Virginia, to be tried by Sir William Berkeley, who had no jurisdiction in the case, and who was, beside, very justly dreaded in Carolina. Thus deprived of his chartered privileges and confessedly legal rights, Miller still

escaped, by the manly independence of a Virginia jury, and was acquitted. The proprietors, however, did not interpose their authority to prevent this very dangerous invasion of a colonist's rights; though afterward, when it suited their purposes of policy, they disavowed it.[1]

In the midst of this growing spirit of disaffection, Stephens, the governor, who had labored earnestly, but ineffectually, to obey his instructions, and carry out the "grand model," escaped from all the toilsome cares of his unenviable position, and relinquished dignity and life together, early in 1674. The instructions of the proprietors had made provision for such an event. The Grand Assembly met and made choice of Carteret, who, as president of the council, should temporarily fulfil the duties of governor, "till orders should come from England."[2]

Little is known of Carteret, save that he was speaker of the Assembly of Albemarle,[3] and must therefore have been a man of character and influence. But no weight of character, and no influence possessed by any individual then in the colony, would have sufficed to allay the ever-increasing discontent, and restore harmony and prosperity. If we may infer character from conduct, we should say that the temporary governor was possessed of too much refinement and amiability for the stormy period when he rose to power. It may be also that there was a deficiency in the particulars of prompt decision and energetic will, which were indispensable to the ruler of Carolina in that day. Carteret was probably one who instinctively shrank in disgust from close contact and vulgar strife with such men as either led or composed the rabble. He preferred quiet, and the mere official routine of executive duty, to the exercise of the strong arm which would seize a rogue or turbulent demagogue, and hand him over to the prison or the whipping-post. As governor, he soon saw that he might easily make enemies enough, and that in the effort to mediate, these enemies would rise up from both sides. His place, therefore, was one in which reputation and profit were alike unattainable; and yielding to a sense of disgust, he forsook the colony for England, early in 1676, after two years only of troublesome and

[1] Chalmers' Annals, p. 532. [2] Ibid., p. 533. [3] 1 Martin, 160.

unremunerative dignity, leaving, says the annalist, "the administration in ill order and worse hands."[1] Martin says the purpose of his visit was to lay before the proprietors, in person, the distractions of their almost ruined colony.[2]

In what order, or in whose hands, the retreating governor left the administration of affairs, does not appear. That he made representations to the lords proprietors of the sad condition of their province is probably true; for we have evidence that their lordships were greatly dissatisfied with several particulars which we think they must have learned from Carteret. First, they were displeased, because their instructions concerning the "grand model" had not been carried out; secondly, they were angry, because no settlements had been made on the southern shore of Albemarle; particularly as failure in this respect arose from the discouragements interposed by individuals whom they had put in power in the colony,—these persons had been influenced by a selfish desire to monopolize the trade with the Indians on that side of the Sound; thirdly, they were vexed, because the Albemarle colony had done so little in promoting settlements on Pamlico and Neuse rivers, and had done nothing toward opening roads which would connect all the Carolina colonies from Virginia to Charleston; fourthly, and as the greatest grievance of all, they were very indignant that their orders had not been strictly obeyed in the enforcement of the acts of navigation, and that the impertinent and interloping New England men had been allowed to come down into their waters, and engross almost the entire trade of the country.[3] And now their lordships determined that all this mismanagement and insolent disobedience of their orders should be forthwith corrected, and that to this end, they would send out a governor and other officials, who would execute their mandates strictly. It was not to be borne, that a gang of vulgar and disobedient woodmen in a wilderness should be permitted thus to disobey their titled masters. It never once occurred to them that *necessity* might be a sterner and a stronger master than even an English nobleman.

But who should be the new governor that was thus to subordinate all nature, animate and inanimate, to their *sic volo, sic jubeo*

[1] Chalmers' Annals, p. 533. [2] 1 Martin, 164. [3] Chalmers' Annals, p. 533.

decrees? Now it so happened, that when they came to the determination that a new set of officials should restore affairs to order in Albemarle, there were in England two individuals who had gone over from the colony, and were brought by their business into immediate contact with their lordships. These individuals were Eastchurch and Miller. The former of these would seem to have been a man of some note in the colony, as he had been speaker of the Assembly, and had been sent to England on a special mission, to lay the remonstrances of the people before the proprietors. His intercourse with their lordships impressed them so favorably, that they flattered themselves with the hope that in him they had found a man on whom they could rely to carry out their instructions and wishes to the letter. Accordingly, in November, 1676, they appointed him governor of Albemarle.

Miller was the same individual of whom we have spoken on a previous page, as having been sent into Virginia to be tried for seditious words spoken in Carolina. He had been sent to England by no one. An indignant sense of his wrongs had prompted him to cross the ocean, that he might represent to the proprietors the violation of his rights, and solicit at their hands some reparation. It was then that the proprietors found out, for the first time, not what had been done to him (that they knew well enough long before), but that he had been grievously injured by it. They were, of course, fired now with virtuous indignation in the contemplation of his wrongs; though at the time of their infliction they interposed not, as they might have done, their preventive power. Lord Shaftesbury, one of the proprietors, sought to soothe the angry feelings of Miller by appointing him his deputy, while the proprietors at large made him secretary of the province; and the commissioners of his majesty's customs conferred on him the office (never granted before) of collector of the parliamentary revenue in Albemarle. The wounded sensibilities of Miller were thus gently assuaged, and indeed, we may suppose, perfectly healed, by this triple plaster of dignities. A lord proprietor's deputy, secretary of the province, and collector of the king's share of the customs, he "bore his blushing honors thick upon him." His sufferings proved delightfully remunerative. Being "freedom's martyr" had proved a very profitable calling to him.

Early in the year 1677, the new governor and secretary sailed from England, laden with instructions given by men who knew nothing of Carolina, except what they had learned from these their new officials, and who were therefore exactly qualified to give, without knowing it, precisely such directions as the new governor and secretary wished. Presently they reached the island of Nevis, and here the governor, yielding to the seductive blandishments of accomplished beauty, followed the example of hundreds of men much greater and wiser than himself,—he fell in love, and the lady was a creole. The delirium was so exquisite, that the society of female loveliness was not—at least, in the crazy brain of the captivated governor—hastily to be exchanged for the vexatious contentions and irritating strifes which, as he well knew, awaited him in the vulgar associations of unrefined ignorance on the shores of Albemarle. But the *vulgum pecus* of that barbarous spot required to be looked after, and so dispatching Miller, with temporary authority as president, to rule Albemarle until he should arrive, he assiduously sought to win the lady.

Who was administering the government when Miller arrived, or whether there was any government at all, is more than we have been able to discover. He reached Albemarle in July, 1677, and was received with outward demonstrations of cordiality and respect, too excessive to be sincere. The whole population of the Albemarle settlement (all of whom lived then on the north side of the Sound) presented but fourteen hundred "*tithables;*" which word means, all the *working hands* between the ages of *sixteen* and *sixty*. Of these fourteen hundred, one third was composed of *Indians*, *negroes*, and *women*, leaving something more than nine hundred white tithables; and the families of these, added to the rest of the colonists, would not probably make the whole number of inhabitants much to exceed between twenty-five hundred and three thousand people. Exclusive of cattle, which were easily kept, and therefore abundant, and Indian corn, the annual product of the settlement was eight hundred thousand pounds of tobacco, made on plantations scattered, at intervals, on the water-courses. Humble, however, as was its condition as to population, products, and wealth, it was at that day superior, in all these particulars, to its southern sister colony, planted on the banks of Ashley River.

As to the general character of the people, they were for the most part uninstructed, and the restraints of religion were but little felt. The Quakers, indeed, had, about five years before, had some additions made to their small number by immigration, and may be said to have acquired something like permanent foothold; but still they formed but a minority of the whole population. Credulous, because uninformed, the people were easily led by the bold and cunning demagogue.[1]

As to their trade, it had been almost entirely monopolized by the adventurous sailors of New England. Coming down from Massachusetts in craft suited to the waters of the Sound, they took off lumber and cattle to the West Indies, brought back rum, sugar, salt, and molasses; loaded again with tobacco, which was carried home to New England, and thence shipped for Europe, with a most philosophic indifference to the provisions of the English navigation acts. In fact, Albemarle was more a colony of Massachusetts at that day than it was of England, and yielded far more to the shipping merchants of Boston than it did to the lords proprietors. It may seem strange that the neighboring colony of Virginia, which, from its contiguity, could so easily have monopolized the tobacco trade of Carolina, permitted it thus to be taken from it by the superior enterprise and activity of the New England trader. Virginia carried on no small traffic with the mother country, and the ships of England were seen periodically within the Capes of the Chesapeake, seeking their freights of tobacco. But Virginia at that day was a royal colony, and seemed to hold in contempt a province which was but the private estate of individual proprietors. She turned with scorn from the idea of purchasing the humble products of Albemarle, which she is now but too glad to procure, and which form by no means the smallest portion of the shipments of Norfolk. Virginia has now credit for a large amount of exports, all of which she obtains from Carolina. She has become much too wise to persist in the stupid policy of a pride which brought its own punishment; for it is scarcely credible, and yet it is an historic fact, that just about the time of which we are writing, she actually prohibited, by positive law, the introduc-

[1] Chalmers' Annals, pp. 533, 534.

tion of the Carolina tobacco, because it had "been found very prejudicial to this country and the inhabitants thereof."[1] Massachusetts did not find it "prejudicial to the inhabitants thereof," though she carried it much further than Norfolk before she shipped it for Europe.

Miller, deluded perhaps by his former popularity, as a sufferer in the cause of freedom, and, not improbably, deceived by the affected cordiality of his reception, soon began the work of reformation, in obedience to the instructions he had received. His talents were not equal to his delicate and difficult position, and his prudence was less than his talents.

The Assembly of Albemarle, some time before, had appointed Bird to the office of collector, and, in that capacity, he had received a considerable sum of money. This, as being parliamentary collector (the first the colony had ever had), he caused Bird to pay over into his hands. What was the exact amount we do not know; but some idea may be formed of the value of the revenue from the fact that, even with the disadvantages of its very careless management, it amounted to about twelve thousand dollars a year;[2] and that Miller, in the six months following his arrival, collected about five thousand dollars, and thirty-three hogsheads of tobacco, in payment of the duty of a penny sterling on every pound of tobacco exported to the other colonies.

As collector, also, he made an attempt, alike unpopular and unavailing, to enforce the odious navigation laws, and break up the trade with New England, which, in the hands of the shrewd men of that region, had become a monopoly. He wished to establish a more direct trade with England, and other colonies than that of Massachusetts; for the proprietors were by no means insensible either to the purposes or the consequences of this exclusive trade with the men of New England. They very justly said of these men, that they could "not be friends to the prosperity and interest of Carolina."[3] It was obviously not their interest to be so, for that prosperity would be the death of their monopoly.

But Miller was a lord proprietor's deputy, and acting president of the colony, as well as collector; and in this capacity he still

[1] 2 Henning's Stat. at large, p. 445.
[2] 1 Martin, p. 167.
[3] Chalmers' An., p. 534. Ante, p. 373.

further offended the lawless set who had, in truth, been too long without any legitimate rule quietly to submit now to the restraints of rightful authority. No doubt he was angered by opposition, and called not prudence, but passion, into his counsels. "He did many extravagant things, whereby, as we are assured, he lost the affections of the people."[1] They were ripe enough, in the hands of demagogues, for sedition and rebellion at any time, for they were ignorant; but unfortunately for Miller, Bacon's rebellion and temporary success were fresh in the minds of the people of Carolina; and some of those who were concerned in it had fled from the fiery indignation of the vindictive Berkeley, and hid themselves in Albemarle. There, no doubt, they were ready enough to assure the people of Carolina that the overturning of governments was an easy and rather amusing pastime, serving, at least, to interrupt the monotonous dullness of a quiet state of law and order.

But Miller might perhaps have survived the opposition from these causes, had not a potent ally intermeddled in the strife, in the persons of the New England men. During the period of misrule which had existed for some time prior to Miller's arrival, these men had availed themselves of the opportunity, and "so managed their affairs, that they bought their goods at very low rates, eat out and ruined the place, defrauded the king of his customs, and yet governed the people against their own interests."[2] These men had actually made the settlement in a great degree tributary to them, and acquired no small influence with some of the wealthiest of the inhabitants; and when they saw Miller resolutely striving to destroy the monopoly of trade which they had so long and profitably enjoyed, they were but too ready to swell the outcry against him, and increase his unpopularity. They well knew that if civil strife removed him, their influence would be sufficient to establish affairs on a basis which would preserve to them their gainful traffic.

In this state of affairs, when the train was laid, and it needed but the application of the match to produce explosion, an *armed* vessel arrived (we shall see presently they had been expecting it),

[1] Chalmers' Annals, p. 534.

[2] Commotions of Albemarle, Carolina papers, apud Chalmers, p. 560. Ante, p. 375.

under the command of a well-known Yankee, named Gillam, who was somewhat famous in Albemarle; and as an evidence of the influence which the men of New England had obtained over the colonists, Durant, the first settler of the country and one of the wealthiest landed proprietors in it, was on board with Gillam. This craft, *prepared for war*, entered the peaceful waters of Albemarle in December, 1677, and as soon as she appeared an insurrection broke out.

It was necessary that the insurgents on land should have a leader. All had been pre-arranged. There was a man, named Culpepper, who in 1671 had been appointed surveyor-general of the province. On Ashley River he had raised commotions against the government, and fled to the northern settlement of Albemarle to save his life. Had he remained south, in all probability he would have been hanged for an unprincipled and murderous effort to rouse the poor to the work of plundering the rich. This villain, acting secretly with Gillam, a man named Crawford, and some others, all New England men, designed (as some of their contemporaries who were *honest* men believed) to get the trade of Albemarle all into their own hands, for some years at least, defraud the king of his customs, and buy the produce of the country on their own terms.

This bold, bad man headed the insurgents on the land, promoted to the command, no doubt, by the influence and cunning contrivance of Gillam and his other colleagues; and it must be confessed he had furnished in his antecedents ample testimonials of his qualifications for the "bad eminence" to which his crimes had now raised him. The mass of the people was ignorant and easily misled, while some of the better informed lent themselves to the enterprise of Culpepper, because its object was to disable Miller from executing the excessively *odious navigation acts* of the mother country. They prospered more by unlawful trade, and therefore took part with Gillam and the other New Englanders, who were in truth, as we believe, the instigators of this outbreak. The laws of England affecting the commerce of the colonies are therefore in no small degree chargeable with giving rise to this the first rebellion of the colony during the proprietary government.

As Miller had no armed force wherewith to resist this turbulent mob, they easily acquired possession of the whole country. The unfortunate president did what he could, and did it promptly, on the arrival of Gillam in his armed vessel. Within two hours after he landed he was arrested, for what his friends mildly called "the slip of a word," but what more probably was highly seditious if not treasonable language, and put under bonds of £1000. The president himself, we infer from our authority, made the arrest, and treated Gillam with very little respect or ceremony. The contrast in conduct between Miller and Gillam is quite significant. The president was no coward, and acted with rash impetuosity under the impulse of a passionate resentment, which never holds counsel with discretion. Gillam, on the other hand, shrewd and calculating, and well aware that he had a sure ally in Miller's angry imprudence, assumed with great meekness an air of injured innocence, and told the people that under such treatment he thought it best to leave the country. This was a stroke of deep and sure policy. The ignorant colonists, who looked for supplies from Gillam's vessel, had no disposition to see her sail away without removing her hatches or breaking bulk; and little dreaming that Gillam might be practising an artful ruse, they clustered around him, and "earnestly persuaded" him to do them the favor of remaining, to which he yielded with a graceful courtesy that accomplished the double object of seeming to oblige the inhabitants, while it gratified his wishes; it saved him also from the future imputation of having remained in the waters of Albemarle, in an armed vessel, with hostile intentions. Indeed, nothing is more transparent in the whole transaction than the studied care with which Gillam kept himself out of sight as a leader or prominent actor, and the caution with which he guarded against the future possibility of being implicated in the insurrection by any legal proof. With the same rash and uncalculating courage that he had exhibited toward Gillam, Miller, a few hours afterward, went on board of the vessel, with a brace of pistols, and presenting one of them to Durant's breast, arrested him with his own hands as a traitor. No doubt had Miller been possessed of any troops, he would have opposed Culpepper to the death; but his own actions, that we have related above, appear to have fur-

nished the only cases of actual personal resistance to the insurgents.[1]

The first act of the rebellious crew was to imprison Miller, against whom they were most indignant. Indeed, nearly their whole resentment was directed toward him; probably because they knew that he alone of all the colony was really in earnest in supporting the proprietors' rights. It is true that they sent seven of the proprietary deputies to share his imprisonment; but this was to place out of the way the council, with whom alone remained any shadow of proprietary authority after Miller was deposed. The field was now therefore clear for the formation of any system of government they chose to adopt. The only member of the council whom they did not imprison was the president of that body, whose favor, by some means or other, they had secured, and whose official station they probably meant to employ in giving some sort of countenance to their usurpation.

The royal revenue from the customs, some three thousand pounds, which Miller had received as collector, they wrested from his hands, and applied to the support of their revolt; they took possession of the public records, established courts of justice, appointed officers for the colony, and convoked an Assembly. In one word, they entirely prostrated the authority and government of the proprietors, and constituted themselves an independent state, exercising authority as such for two years: though, in truth, the common people were unconsciously the mere dancing puppets of the more cunning New England wire-pullers.

When they had imprisoned Miller and the seven deputies, they issued what, in modern times, is known among our southern Spanish neighbors as a *pronunciamento;* that is to say, a manifesto composed chiefly of professions of patriotism, a profusion of lies, and a justification of rebellion. This document, as remarkable for its contempt of the English language as it was for its contempt of the English law, purported to be the "remonstrance of the inhabitants of Pasquotank to all the rest of the county of Albemarle;" and of course contained an enumeration of grievances the most oppressive.[2] They alleged that their object was to

[1] Chalmers' Annals, pp. 535, 559.

[2] Vide ante, p. 374.

give the country "a free parliament," by which their grievances might be sent home to the proprietors: the grievances were, that Miller had denied them "a free election of an Assembly;" that he had cheated the country of one hundred and thirty thousand pounds of tobacco, thus raising the annual levy by an excess of two hundred and fifty pounds per poll beyond what it had been before; that, in addition, he had made them pay nearly twenty thousand pounds to support "his piping guard;" that he had arrested Gillam, and laid him under bonds for sedition immediately on his arrival, *notwithstanding* he had brought "three times the goods" he had brought the previous year. The *sequitur*, it must be confessed, is not very logical which makes the large importation neutralize the sedition. It was also set forth as a grievance that the president proceeded so far as even to treat the great Captain Gillam with personal indignity, and that he had actually arrested the Quaker, George Durant (who was found in Gillam's armed vessel), for treason. And not to weary them with further particulars, they closed their address to the other inhabitants of Albemarle as follows: "And many other injuries, mischiefs, and grievances he hath brought upon us, that thereby an inevitable ruin is coming (unless prevented), which we are now about to do, and hope and expect that you will join with us therein; and subscribed this the 3d December, 1677." This memorable document was signed by *thirty-four* persons.

We have here one side of the story, as told by those who were interested in furnishing the best reasons they could for their overturning lawful authority. But there was, of course, another side to it, and for this we are indebted to a document existing among the plantation papers in England, which we find in Chalmers.[1] This is a "representation presented to the proprietors," in explanation of the revolt; and, as its contents show, must have been furnished by eye-witnesses. It probably emanated from some leading and educated person or persons in the province. This asserts most unequivocally that "the rebellion of Albemarle was not *accidental*." "No sudden provocation" produced it. It was the premeditated result of "deliberate contrivance." Several particu-

[1] Chalmers' Annals, p. 561. Ante, 376.

lars are enumerated as affording proof of the fact. The leaders in the revolt had been industriously seeking, for some time before, to render themselves popular among the people; they had sought to make for themselves a party among them, and, to this end, had circulated various false rumors, disquieting the people's minds, and prejudicing them against the proprietors: thus, they stated that the quit-rents were to be raised, first to two pence, and finally to six pence per acre. But not content with this, they proceeded to an actual interruption of the administration of the government. Several times, before Gillam arrived, they had disturbed the courts of justice, impeded the acts of the government, and even gone so far as to dissolve the Assembly. But what was conclusive evidence of deliberate, preconcerted plan, was the fact, that *the moment Gillam's vessel appeared in Pasquotank River, a large number of the people immediately took up arms;* and to this must be added, that Gillam's craft, a simple merchant trader heretofore, now, for the first time, appeared in Albemarle, bristling with guns. We think there can be little doubt that, under the auspices, and by the previous secret arrangements of Gillam, Culpepper, Crawford, and other New England men, the whole plan of forcibly taking Albemarle from the proprietors, and of overturning their authority, had been carefully arranged. The people were drawn into it by the falsehoods of the conspirators, and by their apprehension of inconvenience and loss from the enforcement, by Miller, of the detested navigation acts of England.

Miller and his counsellors consigned to prison, and with but few and powerless friends to attempt their rescue, we have now to contemplate the province under the usurped authority of Culpepper. He soon formed what he called the government of the country: what it was precisely, or by what officers administered, we have not now the means of knowing; it is, however, fair to presume that his will, and that of his cunning New England colleagues, furnished the law, and that the ulterior objects of the conspirators in securing to themselves the profits of all the trade of Albemarle were not forgotten.

Eastchurch, whom we left in the West Indies, prosecuting his suit in the court of love, was finally successful, and won the lady and her fortune. He now thought it was time to look after his

government, and, with his bride, embarked for Carolina; but on his arrival found, alas! that all he could hope to wield there was but "a barren sceptre." No deceitful, smooth-visaged cordiality of greeting, such as hailed Miller's arrival, awaited him. With a commission that was unquestionable, and with no provincial experience of his conduct that had proved it to be exceptionable, the government *de facto*, with Culpepper at its head, laughed in his face at his claim of authority, and flatly refused obedience to his mandates. Mortified and indignant,—and probably none the less so, because these insults were patent to the woman whom he loved, and whom he had invited to share with him official dignity,—he turned to Virginia, and asked of her lieutenant-governor, Chicherley, the aid of an armed force for the recovery of his rights. It was granted, but before troops in sufficient number could be collected, he sank under feelings fatally wounded by mortification, and died of vexation. With sensibilities so refined and acute, had he obtained the troops, he probably would have been no match for the unscrupulous Culpepper; and had he fallen into his hands, by the chances of war, he might have gone to his grave by a more ignominious death than that which removed him. The times required a governor of sterner stuff.

But it must not be supposed that the usurpers were without apprehensions of what might be the end of their revolt. Guilt is apt to be fearful. Virginia had shown a willingness to repress their rebellion by force; and, though Eastchurch was dead, yet it was by no means impossible, or even improbable, that chastisement might come from that quarter, at the order of the crown, especially if its interposition should be solicited by the proprietors. Like cunning children who have done wrong, they therefore resolved to forestall the severity of extreme punishment, by voluntary confession and a penitent submission to the milder penalty that would probably follow on their ingenuous contrition. They were ready to cry "*mea culpa;*" but they meant to plead guilty to a *culpa* that would not be deemed unpardonable. Accordingly, after two years of successful rebellion, they determined to send commissioners to England, to tender to the proprietors the restoration of their province and government; but, to convince them that they had been holding it, not for their own benefit, but

from zeal for the interest of its true owners, the commissioners were instructed to set forth Miller's enormities and insist on the necessity of his punishment.

Culpepper and Holden were selected to go on this mission. But the victim whom they had thus selected for sacrifice was in England as soon as they were. Miller and his fellow-prisoners had contrived to escape from prison, and were ready to confront the ambassadors of the colony, before the proprietors. It may well be supposed that men who had been forcibly deposed from lawful power, and consigned to the discomforts of a prison, were not long in relating the story of their wrongs, and filling the high places of the land, as well as the homes of the people, with an enumeration of their sufferings and the villainy of their persecutors. Miller had been there before, as "freedom's martyr," to complain of a *governor's* tyranny: he was now there as the champion of order, a deposed governor himself, to complain of the *people's* tyranny. He had found the last, as he thought, rather worse than the first; the first paid, the last did not. The business which had brought him in both cases however was complaint, and the proprietors, harassed with vexation and weary of ever spending without any adequate return, liked not the nature of his message. They had heard little else but complaint for seventeen long years. So far as we can discover, Miller and his companions told their tale of wrongs in vain. Culpepper was a more dexterous diplomatist than the deposed president, and though he succeeded not in procuring the signal punishment of Miller, yet he persuaded the proprietors to accept the offered submission of the rebels, and take back their province, with the expense of maintaining it. If Culpepper gained no power for himself (confidence in him after what had passed would have been an infatuation too gross even for idiotcy), he at least prevented the restoration of power to Miller. The proprietors must have seen that the last had but little self-control, while the first had no principle.

Culpepper's triumph, however, was not without a speedy extinguishment. Just as he had executed his commission, and was about to embark for Carolina, the commissioners of the royal customs had somewhat to say concerning him. Miller had informed them of the high-handed robbery which had extorted from him, as

collector, some three thousand pounds of revenue, which he held for his majesty. The commissioners thought that if the proprietors were content to overlook his misdemeanors, that furnished no reason why they should permit him to steal from the king with impunity. They caused him to be arrested, under the double charge of usurping the office of collector without their authority, and of embezzling the king's revenue. His arrest was made on board the ship, at the Downs, by special order of the privy council. This gave to Culpepper's position and prospects a very serious aspect. No protection of the lords proprietors could screen him from investigation, while Miller and some of the imprisoned deputies were in England, but too ready to testify to all his villainies. The matter had been referred by the privy council to the committee of plantations, who reported to his majesty that, after full hearing, the proprietors of Carolina being present, they were satisfied that Culpepper had raised a rebellion in the province, imprisoned the lawful governor, and all the deputies but one, and assumed the government himself; had deposed the collector and usurped his office, receiving the revenue, and, by proclamation, declaring himself to be the lawful collector, which revenue, to the amount of about £3000, he had applied to his own purposes. These particulars were all proved on oath before them: but in addition (they reported), that Culpepper *acknowledged the facts*, and implored pardon of the king; and in case pardon was refused, he then prayed that he might be sent to Carolina for trial, and not be tried in England. The commissioners of customs, however, intreated the king, through this report of the lords of the committee on plantations, that no mercy might be shown by his majesty to such an offender, unless he made satisfaction in some way for the sum of which he had defrauded the revenue.[1]

The king granted him no pardon; and in Trinity term, 1680, of the Court of King's Bench, he was tried on an indictment for high treason committed without the realm. The case was very briefly reported by Ventris, and we have already referred to it in our chapter on "the law and its administration."[2] We will, therefore, only add here, that at an early period in the history of English

[1] Chalmers' Annals, p. 562. Ante, p. 376.

[2] Ante, p. 211.

jurisprudence, it was a question how and where treasons, committed *without the realm*, should be tried. Sir Edward Coke says "they wanted trial at common law, and therefore to establish certainty therein, the above-mentioned law was made." The law to which he alludes was a statute passed in the reign of Henry VIII., enacting that foreign treasons may be tried either by a special commission, or in the King's Bench *by a jury of the county where that court sits.* In the reign of Elizabeth, men were tried, under this statute, for treasons committed in Ireland. The same thing was done in the reigns of James I. and Charles I. Even a *peer* of Ireland was tried and convicted by a Middlesex jury, though he claimed that, as a peer, he had a right to demand trial by his peers only. It was therefore established law, when the colonies were planted, that treasons committed in them might be tried in England. In the Carolina charter of 1665, the inhabitants were declared to be "subject immediately to our crown of England, as depending thereon forever;" nor did the instrument permit them to be tried before any court out of the province, *except in England.*

In truth, during the reign of Charles II. it was the practice in all the colonies to send those charged with high treason to England for trial; and some writers have said that Culpepper was thus sent from Carolina. This, however, is not true, and the authority for the statement in the first instance is one to which the well-informed student of American history attaches but little value.[1] Culpepper (as we have stated previously) was the *first* American colonist that was tried under the statute; and though his guilt was conclusively proved by Miller and the imprisoned deputies who were in England, yet Shaftesbury, a proprietor, and at that time possessed of immense influence, from some cause or other befriended him, and robbed the gallows of its due, by asserting, in the face of all truth, that Albemarle never had a regular government, and that the height of Culpepper's offence was a mere riot, arising in the pro-

[1] The work referred to is commonly known as Oldmixon's British Empire in America, first published in 1708; 2d edition in 1741. *Oldmixon* signed the *dedication* in the first edition; but many suppose that *Herman Moll*, who made the maps, wrote also the book. At all events, it contains almost as many errors as pages, and, unsupported, is not to be trusted. The statement concerning Culpepper is in vol. i. p. 466, 2d edition. The book probably was manufactured to meet an existing demand in the market for something about the colonies in America.

gress of feuds and quarrels among the planters. It is worthy of note, that the judges declared the law to be, that taking up arms against the proprietary government was treason against the *king*. Culpepper was, however, acquitted of treason: how he fared in the matter of the revenue from the customs, which he had embezzled, we do not know.

And now the lords proprietors, perfectly cognizant, as this trial must have made them, of the distracted state of their province, had before them, for choice, two courses of action. The one was in a vigorous, strong-handed assertion of their rights and powers; the other in the temporizing expediency of compromise with long-continued, lawless insolence and theft. It will hardly be doubted, at this day, that their true policy, if they meant to keep Carolina, was, at once, to have sent a force sufficiently strong to have put down promptly all opposition to their government; and to have hanged, as by their charter they had a right to do, a few of the more prominent of the guilty, not forgetting to include among them a New England man or two; and to have given the province to understand, that if they did not behave themselves as quiet citizens thereafter, a second armament should immediately be sent to repeat the severe lesson they had just been taught. When men have once *taken arms* against a lawful government, to temporize is to surrender to them. The only argument to be used is *force;* and it is humane at once to produce it, and in strength, too, sufficient to crush resistance. When malcontents see such strength arrayed against them, then you may *reason* with them, for the *certainty* of consequences then becomes an argument so intelligible and so forcible that even angry men will give heed to it; and under such circumstances, reasoning may save the effusion of human blood, while, at the same time, insulted authority is in a condition to dictate the terms of submission and reparation to the violated majesty of the LAW. If, however, men with infuriated rage will still persist in forcible resistance to properly constituted authority, then such authority is in a condition to use effectually, and once for all, the short and sharp remedy of force, which alone will cure the malady; and it is true humanity to use it thoroughly and promptly. It will save many a life thereafter. When the LAW is trodden under foot by armed men, society is dissolved; nor

man, woman, or child is safe. The first thing to be done, is, *at all cost*, to re-establish its supremacy. *Then*, authority may safely parley with rebellion; but not till then.

To us it seems that this should have been the view taken by the proprietors; perhaps it was the view of some; but if so, Shaftesbury, who was of their number, probably overcame them by his influence; and, unfortunately for themselves and their rights, their lordships permitted that influence to lay their dignity in the dust, and ultimately to sacrifice a province. The temporizing policy they pursued terminated in a compromise with the rebels themselves (Culpepper and Holden being their agents), the leading feature of which was, that they "would govern, in future, according to that portion of obedience which the insurgents should be disposed to yield to them."[1] No wonder that wise men said (as the annalist informs us), "a government, actuated by such principles, cannot be of long continuance."

It would be gratifying to our laudable curiosity, could we, by means of the authentic minutes of the proprietaries' deliberations, transport ourselves, in imagination, to Craven House, and be unseen listeners to their debates, about this period of our history. We apprehend we should find some diversity of opinion among them. We do not know, but we conjecture that Clarendon was opposed to the wretched and cowardly plan of succumbing to the provincial insurgents. He may have been one of those alluded to above (for he was long-headed and clear-sighted), who foresaw in the measures adopted that such a government would not last long. At any rate, it was about this period that he sold his rights as a proprietor to Seth Sothel; than whom, as we shall see hereafter, no greater villain ever placed his foot on the soil of Carolina. It is fair to presume that his earlier actions foreshadowed the baseness of his character; for no one could pass, at a single step, from virtue to such a state of general and thorough want of principle, as this man exhibited from the first to the last moment in which he cursed the colony with his presence. And if this our conjecture be true, it forces from us the remark, that it says but little for the high-born of England, at that day, that such a man could, by purchase, be-

[1] See Chalmers' Annals, p. 538.

come their associate and equal. He had roguery to offer in place of rank, and money in place of merit. That such a man ever became the companion of titled greatness, as a co-proprietor, proves, at least, that, in 1680–81, Carolina stock must have been at a huge discount in the London market.

But the timid compromise of the proprietors with the insurgents was not the only error they committed. In the attempt to re-establish their rights, they of course had to nominate a new governor; for the rebels did condescend to permit them the exercise of the outward forms at least of sovereignty. It obviously was a time when the state of the province required a return, with as little delay as possible, to a *permanent* organization of all the departments, and especially in the case of the chief magistrate; but, with an infatuation so marvellous that it almost seems like the fulfilment of a providentially predestined doom, they inaugurated the restoration to their rights by appointing John Harvey to the *temporary* exercise of the governor's powers, as president of the council. This was in 1680.[1] The consequence was precisely what might have been anticipated. Ordinary sagacity could have foretold that men just out of a state of rebellion were not likely to yield respect and obedience to a government which, as it was temporary, was not likely, during its short and uncertain continuance, to involve itself in trouble, by using coercive measures to enforce submission. Harvey's rule was therefore nominal merely, and all that we can record of his administration is, that the oldest records of the State are the minutes of the proceedings of a palatine court held by him.

At the time of his appointment, the proprietors had resolved to send Seth Sothel as permanent governor; but, in consequence of a misfortune which befell him, until he should arrive, Harvey was to be his *locum tenens*. It so happened that on his voyage in 1679, or early in 1680, Sothel was captured by an Algerine corsair, and this made it necessary to appoint some one *as governor* in his place. Accordingly, after Harvey's brief administration, in

[1] Chalmers' Annals, p. 538. "Mr. Seth Sothel, the governor, having been taken by the Turks, and carried into Algiers, it is thought fit that Mr. John Harvey should be president of the council, and execute the authority of governor until his return."—*Extract from Minutes of Proprietors.*

June, 1680, John Jenkins, of whom we know little more than his name, was appointed *governor*, not president. He died December, 1681,[1] but, before his death even, he ceased to hold the office; for it appears that in February, 1681, Henry Wilkinson was appointed "governor of that portion of Carolina stretching from Virginia to the river Pamlico, and five miles beyond it."[2]

This frequent change in the chief magistracy, at a critical period, when it required calm judgment, a resolute will, a strong hand, and, above all, permanency of place, in the governor, foreboded no good to the distracted province. In vain the proprietors sent out their exhortations, urging the people of the province to settle their quarrels and restore order, for the sake of their own interest, if not from respect to proprietary commands. In vain the legislature passed an act of oblivion as to the past, with a single exception, as to "the duties due to the king, and to the estates of his collector." In vain did their lordships express the hope, covering a threat, that they should "not be constrained to *use force* to reduce the seditious to reason." At this the provincials laughed; for they had no fear of the use of force by men, who, as they well knew, ought to have used it long before; but, from want either of wit or courage, had failed to do so. They looked upon the threat as what, in truth, it was, mere *brutum fulmen*. The adherents of Culpepper's old faction were dominant, and they lorded it with a high hand over their opponents. They fined, and imprisoned, and banished, and thus relieved themselves of the presence of some, while others, in anticipation of their tender mercies, removed with their families and property into Virginia, where, if they paid higher taxes, they at least escaped the capricious tyranny of a ruling faction, and lived under a government. Those, too, who were thus made exiles, were the very men who, in the rebellion of Culpepper, had been the supporters of the proprietors' honor and rights; and these were the true *friends* whom their lordships had sacrificed in the futile and cowardly attempt to conciliate and gratify a set of vulgar and ignorant insurgents and anarchists, incapable of appreciating a pitying and generous forbearance; acting under the guidance of unscrupulous, artful,

[1] Gov. Swain's list of governors, 2 Rev. Stat. of 1837, p. 524. [2] Chalmers, 539.

and better-informed leaders, whose most appropriate elevation would have been, not to the honors of legitimate office, but to the topmost heights of the gallows-tree. Had Gillam, Culpepper, and Crawford been hanged in the beginning, and Durant fined to the extent of half his property, the rebellion would have died instantly.

It was not until 1683 that Sothel, liberated from the piratical society of Barbary, which he was so well qualified to adorn, landed in Carolina, and entered upon his duties as governor. Where this worthy was born, or in what paternity he boasted, we have not been able to discover. His principles would not have disgraced an education in a college of thieves, and his morals illustrated the purity of a gambling-house. He had purchased the right of Clarendon as a proprietor, for no other purpose than to be placed officially in a position to plunder; and it was not long ere he exhibited evidence that he was capable of almost any crime, and equally an adept in all. He found some of the inhabitants prosecuting a profitable trade with the natives: he soon put an end to that, and monopolized the Indian traffic for himself. He found a want of circulating medium in the province, and caused a statute to be passed directly contrary to the law of England and his own instructions, "raising the value of foreign coin," and suspending the prosecution of all foreign debts. This the proprietors indignantly rejected as soon as they saw it. Two vessels arrived in Albemarle from Barbadoes; their clearances and ship's papers were all regular and lawful: he seized their commanders, under the pretence that they were pirates, and threw them into prison, without pretending to bring them to trial, where one of them died from hard usage and distress of mind. The dying captain made a will, and left Colonel Pollock his executor, in the hope that he would be able to save something from the wreck of his property, that it might benefit his family. Sothel never would admit the will to probate, though often presented by the executor for that purpose; nor would he permit an entry even to be made on the record, that Colonel Pollock had presented the will and demanded to have it proved and recorded. He took into his own hands all the effects of his murdered victim, and applied them to his own use. When Colonel Pollock announced publicly, as the law of the colony re-

quired, that he was about to depart for England, to lay before the proprietors proofs of the governor's iniquity, Sothel threw him into prison, without any charge having been made against him, on the charge of his own mittimus solely, of which he would not permit his prisoner to have either sight or copy. But unlawful imprisonment was his common mode of punishment toward any colonist whom he disliked or feared. He sent to jail a colonist named Cannon, who in some mode had displeased him. Our old Quaker friend, George Durant, who countenanced Culpepper's rebellion, now reaped some of its fruits. He took the liberty of expressing his opinion concerning Sothel's lawless and tyrannical conduct; or, if he did not, Sothel pretended he did, and forthwith Durant was in prison. While there, the governor extorted from him a bond for money under duress; and afterward, under pretence of the bond, without even the formality of suit, trial, and judgment, seized upon every particle of Durant's estate, and used it as his own. As a thief, he was not at all fastidious in the selection of objects for the exercise of his larcenous propensities. From one man (Stewart) he stole a negro and seven pewter dishes; from George Matthews he stole cattle, and refused to restore them, though commanded so to do by an order of court. And as to plantations, he would soon, if unchecked, have had half the cleared land in the province in his possession. He stole from Tomlin; he stole from Harris; he stole from Mowberry; in short, he stole wherever and whenever he could: stealing was his normal state of moral being, and honesty was to him the abnormal exception. "Every restraint of common justice and equity" (says Hewit) "was trampled upon by him; and oppression, such as usually attends the exaltation of vulgar and ambitious scramblers for power, extended her rod of iron over the distracted colony." His sympathy with villains was in harmonious keeping with his selfish rapacity. If charges were made against any one for treason or felony, the accused well knew he had little to fear, provided he had money wherewith to bribe the governor. For a consideration, he always prevented a prosecution. The old adage significantly asks, "What must be the worshippers where a *monkey* is the god?" And to this we may add, "What must be the governed, where a *tiger* is the ruler?"

If ever there lived a man whose conduct impressed a belief that he was utterly dead to all the gentler and softer emotions of human nature, surely it was this governor of Carolina; and yet he wooed and won a wife, and so we must suppose that he professed at least to be capable of the tender and ennobling feelings of virtuous love. Perhaps he "wooed her as the lion woos his bride;" but we think his nature was too base, his moral sense too dead, to feel the lion's boldness. He had not self-respect and moral principle enough to be other than a coward, though he may have been also (for the traits are not inconsistent) a blustering bully where he dared. He may have possessed an unreasoning *bravery*, the *fury* of cowardice, and so does an angry brute; but the calm *courage* which, in the hour of peril, calls into prompt exercise the *mind* of man, and enables him to look with stern and unflinching composure into the very face of the threatening danger, did not belong to Seth Sothel. Subsequent events proved him to be an arrant craven.

The lady whom he persuaded to become his wife was Anna Willis, the daughter of Belshazzar Willis, of Ipswich, in Massachusetts. She had been twice married before she became Sothel's wife, and surviving him, was married a fourth time to Colonel John Lear of Virginia, who outlived her.[1]

For five long years, from 1683 to 1688, did Sothel exercise his arbitrary rule. He had been directed by his instructions to expel from the council the president who had given countenance to Culpepper; to establish a special court, to be composed of the most respectable and impartial inhabitants, for the determination of the wrongs that had been done to individuals during the late disorders; and to assist the officers of the customs in collecting the king's revenue, and in enforcing the navigation laws. He obeyed not one of these instructions. Chalmers informs us that "bribery, extortion, injustice, rapacity, with breach of trust and disobedience of orders, are the crimes of which he was accused during the five years that he misruled a miserable colony."

The patience of the colonists was at last exhausted. Their own

[1] For these particulars of the conduct of Sothel, we are indebted to a letter of the lords proprietors to him, published by Rivers, Appendix, p. 480, and to original documents in the office of the State department.

insurrectionary spirit had before deposed Miller and elevated Culpepper. The possessors of usurped authority had anticipated deserved punishment by a forced submission to the proprietors; and the consequence was the tyranny of Sothel, a lawful governor. Between the two dynasties, the poor provincials seemed destined to be ground to powder, as between the upper and nether millstone. They thought it was as well to die for treason as to be slaughtered by tyranny; and though experience had taught them that rebellions were but uncertain remedies for social and political evils, they took counsel from their despair, and resolved, not, as before, to overturn the government and usurp its authority, but at least to deliver themselves from the oppressions of an individual. In 1688, they seized the person of Sothel preparatory to sending him to England to be tried for his almost numberless villainies.

And then stood prominently out the coward soul of this miserable reptile. He found himself in the hands of men made resolute by his oppressions. He had shown them no kindnesses, for he had wronged them all. He knew that if ever he reached England, scores of willing witnesses, exasperated to just resentment by lawless injuries they had received, would be there to meet him, and an alarming vision of the gibbet and the prison loomed up before him. As cowardly as he had been cruel, he prayed that he might not be sent to England; he turned with tears and entreaties to these very men whom he had foully wronged, and with abject cringing supplicated their forbearance and mercy. He begged that his conduct might be judged of by the next Assembly of the province, before whom his misdoings should be laid; and he, *the governor*, thankfully agreed to submit to the decision of that body over whose acts of legislation he had a lawful veto. He humiliated himself into a glad consent to be tried by his inferiors, who had no jurisdiction over him, rather than meet the indignation of the proprietors to whom he was properly answerable, or encounter the sternness of English law before an English tribunal.

The generosity of the injured extended forbearance to the abject wretch: they consented to refer the matter to the Assembly. That body "gave judgment against him in all the above-mentioned particulars" [those which we have enumerated], "and compelled him to abjure the country for twelve months, and the government for-

ever."[1] When the proprietors were informed of these proceedings—though it is hard to believe that the practices of Sothel for five years could have been unknown to them—they stood, forsooth, upon their dignity, and could not entirely approve the conduct of the people because it was "prejudicial to the prerogative of the crown and to *their honor*." It would be difficult to say what prerogative of the crown was here invaded. The only regal interest in the colony was in the customs, and Sothel was not the collector of the revenue, nor had he any office under the king; and as to the "honor" of their lordships, we cannot help thinking that it had been better protected, had they protected their poor subjects (for they were the sovereigns) from the five years' tyranny of an unprincipled villain whom *they* had sent there, and who derived his power to oppress *solely* from his position as *their* representative, and as one of *their* corporate body.

We may as well follow the miserable creature to the close of his infamous career. Driven out of the Albemarle settlement, he made his way to the southern colony of the province, at Charleston, notwithstanding he had been recalled by the proprietors to answer for his conduct. The time of his arrival at Charleston chanced to be a period of great political ferment, and the inhabitants were divided into two great and embittered factions. Sothel at once threw himself into the arms of one of these, and impudently claiming a right to rule by virtue of his authority as a *proprietor*, seized the reins of government, and in 1690, in opposition to the governor and council, claimed to be *governor* himself. He called a parliament composed of his own creatures, and began his old work of fines, imprisonments, removals from office, and banishment. The proprietaries heard of his doings, though we hardly can agree with Chalmers that the news created "astonishment," unless it were produced by his consummate *impudence;* for they knew the man too well to be surprised at his villainies. They recalled him again, and threatened that if he refused to obey, they would procure from the king an order "to compel his appearance in England." Whether he went to England we cannot say; but, after two years of his oppression and tyranny, the Assembly of

[1] Chalmers' Annals, p. 530.

South Carolina, like their brethren of Albemarle, compelled him to renounce the government and abjure the country. This was in 1692, and when next we see him it is in North Carolina, but as a private man. His end was now drawing nigh. A copy of his will, now before us, bearing date in January, 1689–90, appears to have been admitted to probate on the 5th of February, 1693–4; and the records of the general court of Albemarle would seem to show that he may have been buried in Virginia, where perhaps he died. Williamson (truly, we think) says he died in North Carolina. The subject of the suit on the records is his tombstone, which no one would pay for after it arrived from England.[1] His life of turbulent wickedness was over; no one seems to have cared for his memory; no monument could do honor to his grave. Of the administration of Sothel we at present have no records. We know not what he did. The only law in the enactment of which we know him to have been instrumental, was the dishonest one that prevented the recovery of just debts; and we may fairly presume, that despising all legitimate authority, his capricious tyranny carried out the suggestions of his unprincipled roguery, and that he recognized no law but his own will. We know also that it was during his administration that the three precincts north of Albemarle, known up to this time by the titles or names of some of the lords proprietors, now were called by their former Indian names, and increased to four. The most eastern had been called Carteret, the middle one Berkeley, and the western Shaftesbury. Carteret became Currituck and part of Pasquotank, Berkeley the residue of Pasquotank and Perquimons, and Shaftesbury was changed to Chowan.

We now return to the thread of our story, resuming it from the period when Sothel was expelled from Albemarle, in 1688. It will be remembered that it was just at this time England was in a state of great disquietude: James II. abdicated the throne, and William of Orange was made the king of England by act of parliament. Amid such disquietudes, the proprietors, more interested in affairs at home, probably troubled themselves but little with the condition of things in the obscure and poor province of

[1] Records of General Court of Albemarle, 1697.

Carolina. Who ruled in Albemarle from the time of Sothel's expulsion until the appointment of another governor, in 1689, we cannot say; the presumption is, that the president of the council performed the duties of the chief magistracy. In 1689, William and Mary were proclaimed in Carolina, by order of the proprietors. The occasion was one of indifference to the inhabitants. They had lived for so long a time without troubling themselves to recognize the sovereignty of England, that to them it mattered not who sat on the throne; they cared as little for the house of Nassau as for that of Stuart, and the common people probably knew nothing of either. The case might have been otherwise, had William, on his accession, pursued the advice of his counsellors, to bring the proprietary colonies of America "under a nearer dependence on the crown, as his majesty's revenue in the plantations is very much concerned herein."[1] He hesitated, however, to touch the charter of Carolina, because those to whom it belonged were too powerful in rank, wealth, and family influence, to risk their alienation from a throne the foundations of which were felt as yet to be insecure. During the same year (1689), Philip Ludwell, of Virginia, was sent by the proprietors, as governor, to the northern part of Carolina.

This gentleman had been collector of the customs in Virginia, and made himself conspicuous in the rebellion of Bacon as one of the most prominent and unyielding of the adherents of Sir William Berkeley. His present appointment was probably the reward of his loyalty on that occasion. Before his elevation to this office he had become the third husband of Lady Frances, the widow of Sir William Berkeley. As already stated, she had previously been the wife of Stephens, a former governor of Albemarle; and therefore, in the particular of former experience (for all her husbands were governors), as well as from familiarity with the country, inhabitants, and customs, both in Virginia and Carolina, was not unfitted to be the first lady in rank in the province. Ludwell remained governor of the northern part of Carolina for four years, after which, in 1693, he was transferred by the lords proprietors to the southern settlement of the province, and took

[1] Report of Committee on Colonies, May, 1689.

command as governor of all Carolina, North and South. From this period up to the year 1712 (nineteen years), a change seems to have prevailed in the system of polity pursued by the proprietors. Instead of appointing, as before, a governor for each colony in the province, they now appointed but one for all Carolina, whose residence was at Charleston; and the northern part of the province, commonly known by the general name of Albemarle, was governed either by deputies designated by the governor residing at Charleston, or by a president of the council, appointed by the lords proprietors. Each colony, however, had its own legislative body; and, save in the particular just named of the appointment of a deputy by the governor-general, the two governments of North and South Carolina were as entirely distinct and independent of each other as they are at this day. The boundary between them was the Santee River, and a wilderness of untenanted forest enforced their separation.[1]

Why this change was made we do not certainly know; it is easy, however, to conjecture, as a probable cause, the frequent disappointments already experienced by the proprietors in the governors whom they had sent. Perhaps they thought that the choice of the governor-general (whose appointments would almost invariably be made of persons of standing residing in Albemarle) would be more judicious than any selection they could make among the needy adventurers in England, whose applications were sure to be urged by families of rank and station which they were likely to disgrace at home, and to which as scions they belonged. It may be, too, that in the first instance the proprietors adopted the system from personal considerations. Ludwell was loyal, and knew the people of Virginia and Carolina well; he was born in the one province and ruled in the other. He therefore could judge better than their lordships who would make a good ruler of northern Carolina, a part of the world which to them had proved an enigma,—now under a usurper, and now under a lawful governor; now overturning the government entirely, and now merely dethroning the governor; now furnishing a messenger who complained of the rulers, and anon, by the same messenger,

[1] See Governor Swain's account, 2 Revised Statutes of N. C., p. 525.

complaining of the people who would not be ruled. The fact is, that from the hour they indulged in the childlike play of making landgraves and caciques, North Carolina became a ceaseless source of annoyance, expense, and vexation. It yielded its owners nothing, and tried their tempers sorely. They were glad, therefore, to turn it over to Ludwell, and, if they could, to forget its existence.

Of the events in Ludwell's administration as governor of Albemarle, we know nothing particularly. The confusion of affairs consequent on Sothel's tyranny, and the unrecognized government which succeeded it (for the people really knew not who were their lawful rulers), occasioned at first some indisposition to receive Ludwell as governor when he arrived in the province. Those interested in the continuance of anarchy questioned his commission; and the long continuance of disorder had so far brought the authority of the proprietors into contempt, that it was easy to persuade the ignorant it had passed out of existence.[1] Fortunately, however, Ludwell understood the character and prejudices of the people thoroughly, and as he was possessed of good sense and proper feeling, he had address enough, by harmlessly humoring their prejudices, gradually to restore a state of comparative peace, without the surrender of any important principle. As we hear of no complaints, either from proprietors or people, during his four years' rule, we may fairly infer that he governed well and wisely. The experiment of the proprietors therefore confirmed a truth which, indeed, was too transparent to require experiment: that a government is apt to be best administered when both governor and governed have long known each other in different relations from those of ruler and ruled. Strangers to a people rarely learn to understand them soon enough to govern them well. Before the lesson is acquired, they are apt, in their ignorance, to give offence, which ripens into dislike and opposition that speedily degenerate into faction, and interrupt harmony. It may be, indeed, that even under a native governor, faction may arise and peace be destroyed, for the turbulent and ambitious never die out; and he was a wise and observant man who commenced a very wise book with the words: "He who goeth about to persuade a multitude

[1] 1 Chalmers' Hist. of the Revolt, &c., vol. i. p. 264.

that they are not so well governed as they ought to be, shall never want attentive and favorable hearers."[1] But peace is most likely to be promoted where ruler and ruled have long known each other; still more where the ruler is taken from among the ruled, and he who is the subject of to-day may be the executive authority of to-morrow.

When Ludwell was transferred, in 1693, to South Carolina, Alexander Lillington, who had lived for years in Albemarle, was appointed the first deputy-governor for that region. The administration of Lillington, so far as we can discover, was one in which the internal quiet of the province was undisturbed; but the feeling of disaffection to the proprietors was increased. Their lordships gave very positive and strict instructions for the enforcement of "the acts of navigation, to prevent the king from being defrauded of his customs."[2] They ordered rigorous prosecution in all cases of violation of the law; but prosecution invariably failed, when the spirit of the whole community was opposed to the law. We cannot now call to mind a single instance in which the crown obtained a verdict on a prosecution for breach of the navigation acts; and yet the fact was notorious enough that such breaches were constantly committed. The case was the same in all the colonies, so that complaint was made to the ministry, from the authorities of every plantation in America, "of encouragement to illicit trade, of opposition to the officers of the revenue and the admiralty."[3]

Lillington's administration appears also to have been marked by another event, which Chalmers (who, in this particular, is followed by Martin and Bancroft) informs us took place in April, 1693. He quotes from the Carolina records of that date, an extract from the minutes of the lords proprietors, embodying a resolution which was transmitted to Carolina, in these words: "That, as the people have declared they would rather be governed by the powers granted by the charter, without regard to the fundamental constitutions, it will be for their quiet, and the protection of the well-disposed, to grant their request."[4] There can be no

[1] Hooker's Ecclesiastical Polity, book i.
[2] Chalmers' Hist. of the Revolt, &c., vol. i. p. 301.
[3] Ibid.
[4] Chalmers' Annals, p. 552.

doubt of the *fact* that the proprietors annulled the "constitutions," and probably at the time named by Chalmers, who wrote with the original records before him. But there is some seeming perplexity in dates, which requires a word in explanation. The proprietors, it will be remembered, made no less than five sets of "fundamental constitutions." The first was dated July 21, 1669, as Rivers has shown;[1] the last set was submitted to the commons, in the Assembly of South Carolina, in September, 1698.[2] Why it should have been submitted *in that year*, when the whole code had been annulled in 1693, will be seen directly.

As, in the last revisal, the constitutions had been reduced to forty-one articles, and shorn of all the cumbrous features of manors and leetmen, courts and dignitaries, the proprietors supposed that they might thus both save their dignity, and still dictate a form of government which would preserve their favorite measure of an hereditary aristocracy; for landgraves and caciques still figured in this their expiring effort. In fact it was thus reduced by Governor Archdale, under their directions. The Assembly of South Carolina, however, by a deliberate, formal vote, refused to accept it; and we think it doubtful whether the refractory and ever-turbulent burgesses of Albemarle even had it under consideration. Certain it is, that if it ever came before them, it was treated with the contempt wherewith, in those days, they were wont to honor every thing that emanated from the lords proprietors. The contemporaneous efforts to put an end to their trade with the Yankee skippers, would have insured their opposition to any known wish of their lordships. But, be the circumstances of its history what they may, the *fact* of the death of the "fundamental constitutions" remains to prove that men will not submit to be governed by the untried theories of an abstract, philosophical attempt at legislation.

Our story now compels us briefly to notice passing events at Charleston. Ludwell soon found himself in the midst of political strife in the southern part of the province, and after a year's experience, gladly escaped from the scene of contention, to seek repose in his native Virginia. On his retirement, Thomas Smith was appointed to succeed him as governor-general of all Carolina,

[1] History of South Carolina, p. 334. [2] Ibid., p. 186.

North and South. This seems, however, to have made no change of rulers in Albemarle, as Lillington appears still to have been deputy-governor. The representations of Smith and others to the proprietors, forcibly depicting the distractions of the province, strife at Charleston, and lawlessness at Albemarle, at length roused the proprietors, and induced them to call a full meeting, once more to consider the annoyance of that perpetual blister, Carolina, and devise a remedy. Smith had advised them to send over a proprietor as governor; and with the complacency of feeling created by the respect which the common people of England, from education and habit, paid to their position and titled rank, they naturally enough supposed that if one of their own body, a real "living lord," were sent over to govern, an ample remedy would be provided in the submissive deference which would be rendered, of course, as they supposed, to one not made of common clay, but of porcelain. Accordingly, they unanimously selected the young Lord Ashley, grandson of the Earl of Shaftesbury, to go over as governor-general. Whether he had wit enough to see the fire in which he was invited to sacrifice himself, we cannot say; but, at any rate, he alleged that his father's business required his presence in England, and therefore he declined the equivocal honor. If the youngest nobleman in their company would not go, it required but little shrewdness to foresee the refusal of all his elders of rank; and therefore, passing, *per saltum*, from the nobility to the commonalty, they substituted, for the anticipated reverence due from plebeians to a titled lord, the proverbial acuteness of a politic and patient Quaker, clever enough to understand most men, and too shrewd, in his meekness, to be cajoled by any. They elected John Archdale, who, it is said, had become a proprietor through a purchase by his father, Thomas, of the share of Lady Frances Berkeley. This occurred in 1694.

On the 17th of August, 1695, Archdale reached Charleston with specific instructions, for which he had asked, in certain particulars; and with large discretionary powers in all other matters. Among his other instructions, one was to examine the "fundamental constitutions," find what would be acceptable to the people, and propose a new set to his co-proprietors. This was the set of 1698, consisting of forty-one articles, of which we have spoken

on a former page. Contemporaneous with Archdale's assuming the government, a change was made in Albemarle, and Thomas Harvey was appointed to succeed Lillington as deputy-governor. He died in 1699; what he did as governor, is unknown.

And here it may be useful to anticipate events for a short time, as it will afford the reader aid as a guide in our future pages. The next *deputy-governor* for Albemarle was not appointed until 1704; and in that long interval, all that we can find in our records is, that, in 1699, on the death of Harvey, Henderson Walker, the president of the council, seems to have assumed the duties of the chief magistracy, by virtue of his office merely, and not under any appointment as *deputy* by the governor-general at Charleston. In the interval above alluded to, South Carolina had successively four governors-general resident in Charleston: Archdale, Blake, Moore, and Johnston. Archdale, as we have seen, appointed Harvey; Blake and Moore made no appointments, but left Albemarle under the government of Walker, as president of the council. When he died, on the 13th of April, 1704, Johnston, the governor-general, who had been ordered by the proprietors to place a deputy in Albemarle, appointed Robert Daniel to that office. Chalmers, adverting to this period of quasi interregnum, remarks of North Carolina, that "having refused to join in legislation with their southern neighbors" [we can find no evidence of a proposal for such joint legislation], "the inhabitants were delivered over to their discontents; having denied submission to the deputy-governor sent them from Charleston" [we know not the proof of any such denial], "the proprietaries seem, in despair, to have relinquished them to their own management, in 1695, without inquiring, *for seven years after*, whether they prospered or declined. During that gloomy period, New England alone cultivated her former commercial connection with them; supplying their inconsiderable wants, and carrying their tobacco and their corn, without restraint, wheresoever interest directed her traders."[1] We now return from our digression, to resume the chronological narrative of events.

Archdale had been in America before he came as governor in

[1] Chalmers' History of the Revolt, &c., vol. i. p. 398.

1695. According to one authority, in 1681 his father purchased of Lady Frances Berkeley her share as a proprietor, and this event probably first sent Archdale to North Carolina, not long after his father's purchase. We doubt, however, the accuracy of this statement as to the purchase by Archdale's father of Lady Frances Berkeley's share in 1681. Sir William Berkeley did not die until 1682, and his wife's title was created by his will. After she married Ludwell, he and she conveyed her right, in 1684, to Albemarle, Craven, Carteret, and Sir Peter Colleton, four of the then proprietors, and they afterward sold to John Archdale himself, not to his father. These particulars are gathered from the records of judicial proceedings, of which an account will be found on a future page. That he was in Albemarle in January, 1686, we have the evidence of his own letter to George Fox of that date.[1] That he contemplated the permanent settlement of a portion of his family in North Carolina, and that one of his daughters did actually settle there, as the wife of Emanuel Low, to whom she was married in 1668, is proved by existing records, as well as by the fact that some of their descendants remain among us to this day. The visit of Archdale in 1685–6, was that of a private individual looking after his pecuniary interests in North Carolina, to which he was the more strongly attracted by his sympathy with the Quakers of that region, he having himself become a member of the Society of Friends, "convinced, and separated from his father's house," as he states, by the preaching of George Fox. At the period of this his first visit, Sothel was governor of North Carolina; and from Archdale's letter to Fox, cited above, it would appear that during the temporary absence of Sothel from the province, he exercised the powers of governor; under what authority, however, we know not, unless he was the deputy of some one of the proprietors, and filled the place of president of the council. In 1707, Archdale published in England a description of Carolina, and gave some account of his administration as governor there; but it relates almost exclusively to South Carolina, and does not, in express terms, state that he visited North Carolina at all. He did visit it, however, as his first landing was,

[1] Vide ante, p. 378.

in July, 1695, in Virginia, from which colony he went into North Carolina, where his stay was but short. At this time he had children and grandchildren residing in North Carolina. In 1696, he returned to England, leaving Harvey deputy-governor of Albemarle.

The Quakers of North Carolina never were particularly well affected toward the government of the lords proprietors. The peculiarities of their religious creed and usages caused them to look with no complacency upon a government which upheld the Church of England. As they increased in numbers they became more and more a power in the State; for their industry and thrift made them wealthy, and consequently influential: by degrees they gradually were put into office; and although much too cautious to commit themselves by patent acts of hostility to the government, yet they never failed adroitly to avail themselves of every opportunity quietly and silently to throw the weight of their influence as a body against the rights and powers of the proprietors. Thus, when Gillam came with his armed vessel, the Quakers were his friends; and George Durant, one of the wealthiest provincials, countenanced him by his presence: he was not afraid, because he well knew the rebellion was too well planned not to be successful; but George Durant handled no weapons himself. So, too, when three other landholders came to reserve their rights of tenure under the "Great Deed of Grant" from the proprietors, we have seen the lurking disaffection, and, indeed, almost treasonable doubt of the proprietors' rights of property, covertly insinuated under the plea of a tenderness of conscience, too scrupulously devout to admit man's title, to the dishonor of God. The piety of their protest had been less equivocal, had they not so palpably confounded God's honor and their title-deeds, as meaning the same thing. Archdale's visit, while his father was a proprietor, his subsequently becoming a proprietor himself, and finally his attaining to the dignity of governor-general, unquestionably gave greater confidence and influence to the whole body of Quakers in Albemarle. They felt that they had a friend in the council-board of the proprietors, and therefore could venture further than before. We make not these observations from a desire to disparage our first settlers who belonged to the Society of "Friends." In

our chapter on religion, we trust we have freely borne witness to the good that was surely among them; but the weaknesses and imperfections of human nature must form part of any true history of men, in society; and we are soon to come upon a period when the reader will clearly perceive the pertinency of our remarks to the elucidation of the story we are telling. We have another rebellion yet to relate, in the narrative of our proprietary annals; and if, in that, Quakers should prove to be secretly active, rather than conspicuous, it is not our fault; but it is our duty to tell the plain truth, and explain the motives of their conduct.

The arrival of Archdale seems to have given no little satisfaction in Albemarle, and known as he was personally to many of the inhabitants, particularly acceptable to his own people, the Quakers; and possessed also of the rights of a proprietor, he was invested with an importance which gave him unusual influence as governor, and enabled him to do much good. His presence and counsels served materially to allay private animosities, and the long-distracted province seemingly forgot, for a time, the strife of civil discord. Archdale convened a legislature, and, by his wise discretion, settled peaceably many points which, for years, had been the fruitful source of quarrel. Most of the acts related to the lands occupied by the colonists, as well as those yet unappropriated. The price and forms of conveyance were settled, a remission of rent in arrear was granted; escheated cleared lands were directed to be let or sold for the benefit of the proprietors, and were thus brought again into cultivation. The commodities of the country, in lieu of money, were allowed to be received for the proprietors' rents. Clearing water-courses and the construction of good roads were also directed, to facilitate intercommunication of the different parts of the province; and special magistrates were created to try disputes between the whites and natives. These were all wise and good enactments. Archdale, therefore, used his power and influence beneficially, and there dawned upon Albemarle the promise of a peace and prosperity to which it had long been a stranger.

Of the administration of Thomas Harvey, but little is known. It is, however, to be presumed, that the impulse given by Archdale to the cause of order and advancement continued, long enough after

his departure, to insure to Harvey a prosperous administration up to the time of his death in 1699.

When Harvey died, Henderson Walker was president of the council, and by virtue of his office became acting governor. Where this gentleman was born, we have not been able to discover. He was by profession a lawyer, and appears to have come into the province about the year 1682, when he was twenty-two years old. In 1695, the records of the court show that he fell under the displeasure of the judges for some act of contempt, and he was prohibited from appearing professionally before them. He probably purged himself of the contempt very soon, as, in October of the same year, he was sworn in as attorney-general. It is also said, but on what authority we know not, that he was a judge of the supreme court. If there be evidence of this fact on the records, it has escaped our researches, and we are inclined to think that it was by virtue of his office as one of the council, and by that only, he ever sat as a member of the highest judicial tribunal. He married the daughter of Alexander Lillington (one of the oldest names in the province), and she survived Mr. Walker eight years.[1] The character of Henderson Walker deservedly stood high. Without much brilliancy, he possessed a sound mind, and was not unskilled in his profession. Naturally amiable, he was conscientiously religious, and few of those occupying elevated position, in his day, did more than he did to obtain and perpetuate in Albemarle the benefits of Christianity. He died in 1704, at the early age of forty-four, and the monument which perpetuates his memory is still standing within a few miles of Edenton, recording the honorable testimonial that during the time he ruled, "the province enjoyed that tranquillity which it is wished it may never want."[2] It was during the administration of Walker that a very important change was made in the judiciary. Up to this time, the general court, the highest tribunal in the province, had been held by the acting governor, the deputies of the lords proprietors, and two assistants. In addition to the fact that the judges were much too numerous (two more would have made enough for a *jury*), there was the greater evil arising from the circumstance that there was

[1] Walker's gravestone. See Wheeler, p. 34. [2] Ibid.

never any security to the people that a majority of the court would know any thing about the law, for they were not trained to the profession. The deputies of the lords proprietors were indeed usually men of wealth and influence in the province, but generally they were not lawyers; while such as were, commonly appeared as counsel in important cases, whether they originated in the court or came before it on appeal or by writ of error. In such cases, their professional knowledge was lost to the bench. To remedy this evil, the proprietors (notwithstanding Chalmers says they took no notice of Albemarle for seven years) appear to have issued a commission appointing five justices of the supreme court, two of whom were named of the *quorum*, and the presence of one of which two was necessary to constitute a court. This alteration, we think, was probably suggested by Archdale, and no doubt was acceptable to every lawyer in the province; for few things are more annoying to professional gentlemen, who understand their business, than to argue points of pure law before men, however honest and respectable, whose acquaintance with jurisprudence exceeds but little their knowledge of Sanscrit. An ignorant court falls but one degree behind a corrupt one, in the amount of injustice it perpetrates. The only difference is, that ignorance *designs* no wrong; but this affords very little consolation to an injured suitor.

Walker's rule was exceedingly mild and judicious, if we may judge from the testimony of contemporaries, and the favorable reports he left behind him. Perhaps one reason of this may be found in the circumstance, alluded to by Chalmers, that the proprietors took so little interest in Carolina during the period embracing the time of Walker's administration. The disgust which produced indifference was thus a blessing to the province, and much is it to be lamented that they did not hence take a hint, and make discovery of the undeniable fact, that too much government is almost as pernicious as too little; and that their province of Albemarle always prospered most when its masters let it alone.

In the spring of 1704 Walker died, leaving the province quiet; and then came an illustration of our last remark, in the interference of the proprietors. Nathaniel Johnston was then governor-general at Charleston; and their lordships, instead of permitting

Albemarle quietly to proceed under the government of the president of the council, as it had been doing since 1699, resolved that they would have a deputy-governor, and instructed Johnston to appoint one.

Accordingly, he appointed Colonel Robert Daniel, who had distinguished himself in the expedition of Governor Moore, Johnston's predecessor, in his attack upon St. Augustine. Daniel, as far as we can discover, was comparatively a stranger in Albemarle, his residence having been in the southern colony at Charleston. This was an unpropitious circumstance; but this was nothing compared with the evils produced by his instructions. When Johnston was appointed governor-general, Lord Granville was palatine of Carolina; for though the "fundamental constitutions" had been set aside, the puerile nonsense of palatines, landgraves, and caciques was adhered to with ludicrous pertinacity by the proprietors as long as they were owners of Carolina. Now it so chanced that Granville, whose piety, by the way, has never caused his biography to figure in any "Lives of the Saints" that we have seen, was a very bigoted member of the Church of England. The Church was good enough; the bigotry was very bad. He instructed Johnston to cause the Church of England to be made by law the established religion of Carolina; and the governor (to remove from himself the suspicion of disaffection to Queen Anne and her government) labored most assiduously in the legislature of the southern colony to accomplish his master's orders. It was, however, very hard work in which he was engaged. There were Scotch Presbyterians, and German Lutherans, and French Huguenots, and Irish Romanists, and English Churchmen, and New England Congregationalists, and American Quakers, all to be fused, by an act of human legislation, into one harmonious lump of piety and orthodoxy. The palatine forgot that human legislation can regulate human *actions* only: it has no power over men's hearts and consciences. Conformity of outward action may, indeed, be produced by the penalties of human enactments; but everybody knows that in matters of religion mere *action*, unprompted by the heart and conscience, is but theatrical hypocrisy, a sort of histrionic impiety, the stipulated price paid for exemption from persecution.

By dint of political trickery, some of which, it is intimated, was suggested by Granville himself, Johnston succeeded in making the Church of England the established religion of South Carolina.[1] The majority of the inhabitants, it would seem, were not at the time members of that Church, and there can be no doubt that the legislative action was the result, not of the wishes of the people, but of dexterous management by their rulers. The action, however, was not tamely submitted to. An agent was sent to England to lay the remonstrances of the people before the lords proprietors. Granville, the palatine, of course received him coldly; but the agent at last was able to have the story of grievances presented to the House of Lords. After a hearing of the counsel of the proprietors in that body, the condemnation of the legislation of Carolina was thorough. The resolutions which were adopted, declared that the laws complained of were founded on what was false in point of fact; that they were in violation of the charter, repugnant to the laws of England, ruinous to trade, an encouragement to irreligion, and fatal to the increase of population and prosperity in the province. And all this we think was true. But this was not all. Their lordships voted an address to the queen (Anne), beseeching her to use prompt and effective means to deliver Carolina from the "arbitrary oppression under which it lay, and to order the proprietors of it to be prosecuted according to law." The lords commissioners of trade and plantations, to whom the subject was referred, reported that the facts complained of by the people of Carolina were *true*, and that the proprietors had *forfeited their charter;* consequently, they recommended a *quo warranto*. The law officers of the crown were directed to sue out the writ, and the proceedings were not followed up simply because doubts were entertained "whether it might not involve an infringement on the privileges of the proprietors as *peers of the realm*." This was all that saved the charter; and, independent of the merits of the question, Granville's insolence was such that *he*, at least, deserved to suffer the punishment of a forfeiture. When the agent of Carolina, Boone, respectfully asked to be heard by counsel before the lords proprietors, the inflated palatine replied:

[1] Rivers' Early Hist., ch. viii.

"What business have counsel here? It is a prudential act in me, and *I will do as I see fit.* I see no harm at all in this bill, and I am resolved to pass it." There is no fool like a conceited fool. Men who understood and loved the Church of England quite as well as Granville could, and whose lives, we think, adorned it incomparably more than his did—the bishops, clergy, and laity of the venerable Society for Propagating the Gospel in Foreign Parts—held a special meeting, and resolved that while the act for the establishment in Carolina was in force, they would send no more missionaries to the province. Who can tell the amount of mischief that one proud and weak man, possessed of power, may do to the holy cause of Christ?

We have traced this incident of the establishment of the Church of England in South Carolina to its consequences, that the reader may see its gross impolicy and danger, as a matter of State merely, without reference to other objections; because it will prepare him to appreciate the infatuated folly of her English masters, which so sadly crippled the whole province of Carolina, in the fact that when Daniel (who was a great Churchman) was sent to Albemarle to succeed Walker in 1704, most prominent in his instructions was the direction that he should kindle the torch of discord, and destroy the brief repose to which Walker had happily brought the province, by causing the legislature of Albemarle to establish, by law, the Church of England in the northern part of Carolina.

At this time the only minister of the Church of England in Albemarle, if indeed he had not left it, was the Rev. Mr. Blair, of whom we have spoken in our chapter on "Religion and Learning," as having been sent by Lord Weymouth.[1] The attempt to carry out his instructions was the signal for combined opposition from the great body of the people; but Daniel, by his address and skilful political manipulation, secured its passage. Parishes were established, and provision made for erecting churches, purchasing glebes, and maintaining the clergy, as we have related in a former chapter. But all this established the Church in name only. The people did not acquiesce in the new arrangement. Religion had probably less to do than interest had with their opposition; for

[1] Vide ante, p. 342.

there was, alas! but little religion in the province. And here the Quakers, who made almost the entire influential population of Pasquotank and Perquimons, in their quiet way, unobserved, but secretly most active, took the lead. The broad-brim and the drab-color held secret conclave with the wild, mad roysterer, who eschewed "thee" and "thou," and, in his wickedness, was wont to talk profanely in his speech. It was not that he loved Quakerism, but that he hated tithes.

Sometimes, indeed, it happened that a "Friend," forgetful for a time of the discreet policy of his sect, permitted his resentful feelings to overcome his strict self-discipline; and then, as angry nature triumphed over the spirit's peaceful teachings, he became little better than one of the wicked, and, after the manner of worldlings, was ready to smite even with carnal weapons. Our records show that there were in those days some "fighting Quakers."

There was something very revolting to decency, in the pretended zeal for *religion* exhibited by Daniel, if we may believe the story we have of some of his conduct. After Governor Craven had reduced the Indians in South Carolina, business called him to England, and Daniel was, for the time, left as acting governor. During his authority, twelve of the Cussoc Indians who were in Charleston were accused of having assisted the Cherokees in the late war against the English. Daniel sent for them, and without investigation put them in irons and sent them on board a vessel bound for Barbadoes. The captain of the vessel went to Daniel, and begged to be excused from taking the poor creatures; representing them to be mostly old men, who moved his compassion, and who, if sold at Barbadoes, would not bring money enough even to pay their passage to that island. Daniel, however, insisted on their going, and when the captain finally refused to have any thing to do with them, Daniel in a great rage, exclaimed, "*I'll send them;*" and calling to him the chief of a neighboring friendly tribe, he ordered him to take some of his people, and *to kill* those twelve Indians on board the vessel. His orders were obeyed, and the unhappy wretches had the tomahawk buried in their skulls as they sat, unresistingly, on the hatches of the vessel, and their bodies were thrown overboard as food for the fishes.

"This was done" (says our authority) "in an *English* town, by command of an *English* governor: no one who lived at that time in South Carolina is ignorant of this fact."[1]

When the southern colony resolved, as we have stated, to send an agent to England to complain of the trickery and violence which had made the Church of England the established religion, they selected an influential and highly respected gentleman, Mr. John Ashe, an ancestor of the old and well-known patriotic family of that name in New Hanover. Governor Johnston, however, was vigilant enough to prevent Ashe from obtaining a passage to England from Charleston, and he was obliged to travel by land to Virginia, where he found the means of embarking. This journey took him through Albemarle, where he was heartily greeted by the Quakers with the most cordial sympathy. Daniel, their governor, had forced upon them the same injury of which Ashe was going home to complain, and they at once made common cause with him, and resolved to furnish him with a companion who might add the story of their grievances to that of South Carolina. They accordingly appointed Edmund Porter to go, on their behalf, with Ashe. Ashe died in England, and Joseph Boone was sent from South Carolina to succeed him. Porter (who was a Quaker) relied, and with no misplaced confidence, on the aid and support of his co-religionist, Archdale, one of the proprietors. Some time after the Quakers had sent Porter to complain of Daniel (the deputy-governor who had been sent by Sir Nathaniel Johnston to Albemarle), through the help of proprietor Archdale, they succeeded in prevailing on their lordships to order Johnston to remove him, and appoint another governor. This order was obeyed, and in 1705, Thomas Carey was nominated to succeed him. Carey was, therefore, the lawful governor during the latter part of Edmund Porter's stay in England. But this man was, at first, but little, if at all, more acceptable to the Quakers than his predecessor; though they probably, at first, anticipated much better times for themselves under his rule.

It so happened that in the first year of Queen Anne's reign an act was passed, one purpose of which, undoubtedly, was to check

[1] Importance of the Am. Plantations, pp. 87, 88: London, 1731.

the Quakers, who were silently strengthening their power by obtaining appointments to office, and seats in the legislature. In fact, they were fast becoming completely dominant in the province. This act was entitled, "An act to declare the oaths coming in place of the abrogated oaths," &c.; and, while it imposed new oaths, it made no reservation, founded on Quaker scruples, to swear at all. It reached Carolina a short time before Carey's appointment. When he came into power, the Quakers immediately renewed their efforts to obtain offices, and a predominating voice in legislation. Carey tendered to them the oaths which were made prerequisites: these of course they refused to take; and, in addition to this, Carey had an act passed by the Carolina legislature, that whoever should promote his own election, or sit and act officially under any election, without first qualifying himself by taking the prescribed oaths, should forfeit, for each offence, five pounds. This exasperated the Quakers beyond measure, and they forthwith dispatched John Porter to England, with their new grievances and fresh complaints to the proprietors. This was in 1706.

John Porter proved a skilful negotiator, and with Archdale's help obtained an entirely new commission, by which the power of Johnston as governor-general was suspended, Carey was removed, several of the old deputies of the proprietors were superseded by new appointments, and power was given the deputies (who, it will be remembered, constituted the council) to choose a president for the province from among themselves. Porter and several other Quakers were among the newly appointed deputies. With these advantages obtained, Porter hastened back to his constituents, and reached Albemarle in the autumn of 1707, prepared to sow the seeds of a plentiful harvest of confusion and trouble.

When he made known his success and produced the orders of the proprietors, a day was immediately appointed for a meeting of the old officials and the new, when the governor might lay down his office, the superseded deputies retire and the new ones be installed, and the council proceed regularly to the choice of a president. But Porter, who seems to have been bent on mischief or the gratification of revenge, and who was really the author of most of the confusion and disturbance which distracted the province, resolved, with the violence of an unscrupulous partisan, to

uphold the Quaker influence at all hazards. Accordingly, without waiting for the appointed day of meeting, he called together the new deputies, who, like himself, were almost all Quakers, and proceeded to the election of a president. Their choice fell on Mr. William Glover, of whose character we have spoken in our chapter on "Religion and Learning." Glover was a Churchman. They elected him from policy, probably, and doubtless supposed they could use him for party purposes; but he proving to be an honest man, who felt bound by his oath to administer the law, was obliged to do as Carey had done in requiring conformity to the act of Anne before referred to. Porter, grievously disappointed, in revenge assembled a meeting of both old and new deputies—none of whom had lawful power to act, for the old had been superseded and the new were unsworn—and induced them to declare that Glover's election was illegal, and therefore a nullity, though he himself had been its chief promoter, and had effected its accomplishment. The president (Glover), and Colonel Pollock, one of the old council and not superseded, protested, but in vain, against the whole proceeding. The next step of this Quaker leader, Porter, was to become the sworn friend of the late deputy-governor, Carey, for whose removal he had gone to England, and whom he had succeeded in displacing; and he had the address to have *him* elected president by the very same men who had just before elected Glover. The striking feature of the transaction is, that he pretended to do all this by virtue of the very commission which expressly removed Carey from the office in which he was thus replaced. The province was thus divided into two factions: the question for each man was, "Under which king?" Separate commands destroyed all intelligent allegiance; the several partisans were arrayed in arms against each other in the field; skirmishes took place; and, on the testimony of an eye witness, human life was sacrificed in the strife. And all this was the work of John Porter, the "Friend," whose principles bound him to a course the most pacific. Alas! how little angry partisans are masters of themselves![1] And what made the conduct of Porter and Carey also the more strikingly inconsistent, was the

[1] For these details see Gordon's letter, ante, p. 302.

fact that, after the appointment of Glover, they both, as members of the council, fully recognized his authority. This we learn from the manuscripts of a fellow-councillor, Col. Thomas Pollock. In one of the documents in his letter-book he states that, at a council held at his house, when all the members were present, Colonel Carey and Porter sat and acted with Governor Glover, and signed with him several documents officially; and one of these documents was actually a proclamation to the people, announcing the changes recently made in their rulers, and commanding their obedience to the government of which Glover was the head.[1]

Glover, as president, issued his writ for electing Assemblymen, and placed it in the hands of Halsy, the deputy-marshal. Carey likewise issued his, and committed it to one Fendall, whom he had made marshal for the purpose. The people assembled to vote; both writs were read, and upon polling the electors, by five freeholders appointed for that purpose, it appeared that the supporters of Glover numbered ninety-four, while those of Carey were but sixty-five, among whom were several unqualified voters, and some were even boys. Moseley, a lawyer of eminence, of whom we have spoken in a former chapter, dissatisfied with the result, insisted on the appointment of five other freeholders and a new election; and he, with others, producing confusion during the election, and endeavoring to stir up strife among the people, would undoubtedly have brought on the finale of a general fight, but for the interposition and influence of Colonel Pollock, who persuaded the people to keep the peace.[2]

But in this double election, two sets of representatives were chosen. When the Assembly met on Little River in October, 1706, nine persons appeared to claim seats from the precinct of Chowan. Five of these were returned by the deputy-marshal, Halsy, as having been duly elected by a majority of the voters. Fendall made a return also, which, including the five returned by the marshal, returned also other five (those chosen under Moseley's management at the second voting); of these, four only appeared; the fifth, satisfied that his election was illegal, remained at home. The house proceeded to organize, and its first step was to direct

[1] Col. Pollock's MSS., in possession of T. P. Devereux, Esq. [2] Ibid.

the whole nine from Chowan precinct to withdraw. Scarcely, however, had they retired, before the other members, who had been mostly chosen by the predominant Quaker influence in Pasquotank and Perquimons, called in the four chosen under Moseley's management, of whom, by the way, Moseley himself was one. In vain did the five returned by the marshal seek admission; they were forcibly excluded, and denied even the privilege of a hearing. Moseley was chosen speaker, and was presented as such to Carey as governor. There were but five representatives who were not in the Quaker's interest; these were the members from Currituck: in their disgust at these high-handed proceedings, some of them withdrew from the Assembly.

Porter then laid before the body the commission and documents he had obtained from the lords proprietors in England; and notwithstanding one of their orders was most explicit for the removal of Carey, of that they took no notice, but passed several resolutions founded on the documents read.

First, they determined that the lords proprietors had suspended the law made during Carey's lawful administration, imposing a fine of five pounds on any person who should promote his own election, and not qualify himself to act by taking the oaths.

Secondly, they determined that the law, made in Daniel's time of office, which required all persons in any place of trust or profit to qualify themselves before acting, by taking certain oaths, was also suspended.

There was, indeed, a statute of the British parliament requiring the same thing; but that they ignored completely. In fact, they resolved to have no juramental bonds on their consciences, and when they passed these resolutions, *not a single member had been sworn in.* This was the condition of the lower house. As to the upper, composed of the governor and council, there were two bodies, each claiming the honor, and each sitting in separate rooms, as the council. Carey had collected around him the Quaker deputies of the lords proprietors, while those deputies opposed to the Quaker predominancy adhered to Glover.

A compromise was at last effected, so far as to induce an agreement that the Assembly should determine between Glover and Carey, as to their respective rights to the presidency.

Glover, who unquestionably was rightful ruler, having been elected by a majority of the council, under their lordships' orders to make an election, had the support of the most respectable and wealthy part of the community, with the exception of the rich among the Quakers. He probably did not anticipate from the Assembly so much good sense and justice as would be shown in a recognition of his claims to authority, but at the same time felt it due to himself to put the assertion of those claims upon record.

Glover and Carey, dividing the council between them, and each claiming to be the upper house, occupied, as we have said, different apartments; while ex-governor Daniel, who was a landgrave, sat, by virtue of his office, sometimes in one, sometimes in the other. The lower house, however, recognized Carey's party only as the council. Glover, by means of one of its members, sent a message to the Assembly, informing them that, duly to organize, the individuals lawfully elected should choose a speaker, take the required oaths, and put out all such as had not been duly elected: that without such preliminary steps, their meeting was not an Assembly. He further stated that it was alike contrary to law and reason, in derogation of the queen's prerogative, and faithless to the trust which had been reposed in him, to submit the administration of government to any set of men, no matter if elected by a unanimous vote, unless such persons should, by oath, recognize and acknowledge their allegiance to her majesty, particularly at a time when, among some, there were hints at least of a counter-claim to the throne in the pretended Prince of Wales.

To such an Assembly, when convened, he would undertake to prove—

1. That he, Glover, was lawful president of the council, and that to him, and no other, belonged the execution of the lords proprietors' commission.

2. That Carey was not president, and had no lawful power of government in Albemarle.

3. That if the lawful authority in himself, Glover, should be extinguished by death or otherwise, even then, Carey was not qualified to be elected and exercise the powers of president.

He then proceeded to state, that if the so-called Assembly, then met, would still persist in the exercise of the power they had un-

lawfully assumed, then he, by this writing, did solemnly protest, in behalf of the queen and lords proprietors, against all their proceedings as unlawful and void; and further, as president of the council and commander-in-chief, did charge and command all the officers of the province, civil and military, and enjoin all the people, upon their allegiance, not to countenance, aid, or abet the pretended Assembly in their arbitrary proceedings.

He then stated, that as the Assembly, unlawfully constituted as they then were, were incapable of deciding on the matter that was to have been submitted to a lawful Assembly, on the subject of the presidency, he protested, in his own behalf, against all they had done or might do in opposition to his administration. And as Carey had publicly threatened, as well as surreptitiously avowed a purpose of taking his, Glover's, life, without form of law, as well as the lives of others who had aided him in keeping the peace—he appealed to the queen, in her courts at Westminster, and was willing to be sent there a prisoner in chains to answer any accusation and abide the result; provided (said he), that "Colonel Carey and Mr. John Porter, who have been the chief instruments of these unhappy troubles, may be obliged, with good security in the sum of two thousand pounds, personally there to appear and prosecute me."

It was not long before the member by whom Glover sent this document returned it, with the curt answer from the pretended Assembly, that "they would not concern themselves in that matter."[1]

All the contemporary accounts are uniform in representing these troubles as attributable to the Quakers. Thus Governor Spotswood (one of the best colonial governors Virginia ever had), in a letter addressed to Lord Dartmouth, states that "Colonel Carey, supported by the interest of the Quakers, and assisted by a republic of loose and profligate persons, turned out the president and most of the council, and assumed on himself the government." Writing to the Board of Trade, he uses this language: "Mr. Carey, being joined by certain Quakers, intrusted by the proprietors in some part of the administration, gathered together a rabble of the looser

[1] Pollock MSS.

sort of people, and by force of arms turned out the president and most of the council, and by his own authority assumed the administration of the government."[1]

Colonel Pollock, in one of his letters, bears the same testimony.[2] Chalmers, who wrote with the advantage of unrestricted resort to the colonial documents in the Plantations Office, says of the Quakers, in a quotation from one of his authorities, "that they had had the cunning to set that country in a flame, and all but themselves, in arms against each other."[3] We must therefore consider this as a Quaker rebellion.

Whether the document sent by Glover alarmed the Assembly so far as to induce a belief that its members must be *sworn*, we cannot say. The fact, however, is, that it was determined the members should take the oath of qualification, and the Quakers readily devised a mode of swearing, which satisfied their consciences. They came to the table retaining their hats on their heads as tenaciously as if their souls would be inevitably damned by their removal. They laid their hands on the book, and repeated the words of the prescribed oath, substituting only the word "declare" for "swear;" and then, having had their explanation of the sense or meaning in which they took the oath, underwritten, they signed it, but without kissing the book, and with the declaration that they would allow that sense and explanation of the oath and none other.[4]

We have no means of ascertaining the particulars of legislation under this usurped authority of Carey; but we find enough upon the records to show that the intestine feuds became more and more bitter, until the partisans of President Glover (including Colonel Pollock and other prominent men of the province), with the governor himself, were glad to seek a temporary refuge in Virginia.

As to Carey himself, he appears to have been a rogue as well as a rebel. He had been receiver of the proprietors' quit-rents, and had long neglected to pay over and settle his accounts. The proprietors, probably in blissful ignorance of the state of their province, had sent over, by John Porter, an instrument removing

[1] MS. copies from Governor Spotswood's Letter-book. Vide ante, p. 421.
[2] Pollock MSS.: letter to Rev. Mr. Gordon.
[3] Chalmers' Hist. of the Revolt, vol. i. p. 399. [4] Pollock MSS., ante, p. 380.

him, and ordering him home to give an account of his conduct. This he treated with sublime contempt, and John Porter was not very likely to persuade him to more becoming conduct, seeing that both were now engaged in the effort to overturn the established government of the proprietors.

Singularly enough, the colony grew stronger in the midst of this distracted state of affairs; but it was not by the instrumentality of those within it. On the revocation of the edict of Nantz by Louis XIV., a number of the persecuted Huguenots had found their way to Virginia, and had settled at the Manakin towns (as they were called) on James River.

These good people emigrated in part, about this time, to North Carolina. The clergyman whom they had brought from France, Phillipe de Richebourg, emigrated with them. They made their settlement on Trent River, not far from the present site of Newbern. A portion of them, however, removed further south, and planted themselves on the Santee, where a parish was formed of them, known as St. James. These were accompanied by De Richebourg, who died in South Carolina. This was the origin of the Huguenot families in North Carolina.

Another circumstance also increased the population of the province, by an importation of Swiss, and brought in many Germans with them. The depredations of the French in the palatinate had driven out the inhabitants by thousands. A very large number found their way to England, where the queen and her subjects alike treated them with great humanity, and supplied their wants with a liberal bounty. Finally they were disposed of as colonists, some to Ireland and some to North America. A part of them came to North Carolina. It so happened, that while these poor refugees were in England, Christopher, Baron de Graffenreid, a Swiss nobleman from the canton of Berne, was in London, and he with a large number of his countrymen were desirous of emigrating to America. What the proprietors wanted was emigrants, and therefore they offered to the Swiss every inducement they could to go to Carolina, and, beside their own countrymen, to take with them emigrants from among the Germans. A negotiation commenced between them, certain commissioners on the part of her majesty, and De Graffenreid, and Louis Mitchell, a Swiss gentle-

man of influence among his countrymen. The result was an agreement for the transportation to North Carolina of a large number of these poor German people, under the auspices of the Baron and Mitchell.[1] The former was made a landgrave, and finally returned to Europe, leaving no descendants in the country. The latter ended his days in Carolina, where he proved a valuable citizen, and was the ancestor of the family bearing his name in Onslow.

The emigrants settled for the most part on Neuse and Trent rivers, and their arrival gave existence to the town of New-Berne, which received its name in compliment to the baron. Colonel Pollock was then a proprietor's deputy, and, if we mistake not, surveyor-general of the province. At any rate, by his instrumentality a town was laid off at the confluence of the Neuse and Trent. Subsequently, in the same year, De Graffenreid and Mitchell brought over ninety-two additional families, all of whom settled in or near the new town, at the junction of the rivers. This added another town to the one already existing. Bath had been established by the legislature in 1705; and Edenton (then known as Queen Anne's Creek), as we learn from Mr. Gordon's letter, at a later period.

In December, 1708 (Chalmers says January, 1709), Colonel Edward Tynte was appointed governor-general of Carolina. Instead, however, of permitting him to nominate, as his predecessors had done, a deputy for the northern part of the province, the rule would seem to have been now changed; as in 1710, the proprietors themselves appointed, as governor of Albemarle, Edward Hyde, and gave instructions to Tynte to commission him as his deputy.

In August, 1710, Hyde arrived, and found that Tynte was dead. Unable therefore to procure the formal commission which he expected, he could offer no other evidence of his authority than private letters from some of the lords proprietors to their respective deputies. Whether the arrival of Hyde was expected or not, we cannot say; but immediately on his coming, Colonel Pollock and other gentlemen, who had been proscribed and driven by

[1] Vide ante, pp. 54–58.

Carey into Virginia, wrote to Hyde, congratulating him on his safe arrival, tendering to him their cheerful obedience, and expressing the hope that they might now safely return to their homes in Carolina, without danger of being "insulted and trodden down by Quakers, atheists, deists, and other evil-disposed persons," and praying that his administration might be the means of terminating the unhappy discords that had almost destroyed Carolina.

Carey and his adherents, if not tired of usurped authority, were probably afraid of consequences if they resisted Hyde, whose position was very different from that of Glover. They could raise no question concerning his being there with the approbation of the lords proprietors; his letters proved that, though Tynte's death had deprived him of a formal commission. Beside, even some of the followers of Carey began to think that a settled and legal government was to be preferred to the existing state of affairs; and consequently, all the lords proprietors' deputies, and Carey with them, formally requested of Hyde to assume and discharge the duties of governor, until his commission should arrive from England. He consented, the council appointed him, and he was duly sworn in as governor.

Hyde, unfortunately, had not been long enough in the country to understand, at first, his true policy. He had discovered, as he wrote home, "that nothing but sedition had been industriously cultivated, and rebellion too much practised." Practical wisdom would have suggested to him to undertake and to do nothing important until his commission arrived. But, unadvisedly, in March, 1711, he called an Assembly. Carey, who had joined in the request that Hyde would act as governor, not because he really wished it, but because he could not avoid it, immediately took the alarm. He apprehended the consequences of legislative action with reference to himself. His first effort was to secure the return of enough of his adherents to constitute a majority of the house. In this he failed, and then he protested against the legality of the authority by which the Assembly had been called. The Assembly, however, met, and among its first acts passed a law for securing his person; and made provision for compelling him to account for the moneys he had received during his usurpation. These laws were indiscreet and prompted more by resentment

than prudence. The power to execute them was not equal to the zeal which enacted them. Carey had still many adherents, and had no idea of submitting to arrest. His only resource, therefore, was to raise the standard of undisguised rebellion. This he did: and further, again declared himself president amidst the acclamations of a misguided multitude. And it so happened that in December, 1710, just before these transactions, the Meherrin Indians, provoked by the ill-treatment of some profligate whites who lived near them, had taken redress into their own hands, and falling on the most distant settlement on the Chowan, had there killed some of the whites. The danger of an Indian war, therefore, should have taught the Assembly the gross imprudence of furnishing a pretext for contemporaneous civil strife.

We have no doubt from subsequent facts, which will be related in their order, that Carey saw the advantages he might derive from Indian hostilities, and resolved to avail himself of them when necessary. He had the further satisfaction, also, of seeing the Assembly so much engrossed by their legislation to punish him, that they actually adjourned without making the least provision to resist a probable Indian attack.

When Carey ascertained that he was really strong in the support of his numerous adherents, he forthwith assumed the offensive. He had at first merely fortified his house, intrenched it, and raised a battery, on which he planted some cannon. But now he issued his proclamation as president, and established a court of justice; and being furnished with a brig by "a leading Quaker" (say the records), he armed her with six guns; and fitting out beside a *barca longa*, he filled her with fusileers, and brought his naval force to anchor near the house in which Hyde and his council were convened. His purpose was to get possession of the governor's person if he could, and had he succeeded, the end of Hyde would probably have been a short shrift and a strong rope. The governor was in no condition to resist a forcible attack; and fortunately for him, Virginia then had, in Spotswood, as good a ruler as ever was placed over an American colony or province. Hyde immediately dispatched to him an express, representing his critical situation, and asking his interposition and aid. It is from Spotswood himself we gather the particulars of this part of our

story. He was a man of promptitude in action, and of great decision of purpose. Anxious to appease the strife, and if possible without the effusion of blood, with a vigor and good sense which were duly appreciated in England, he immediately sent Clayton as a messenger into Carolina, with a proposition for reconciliation, and an unequivocal statement of what would be his course toward the party refusing to make peace. The selection of an ambassador was made with Spotswood's usual sound judgment. Clayton was, we think, a clergyman, and not unfavorably known in the scientific world, as his account of Virginia, published in the "Miscellanea Curiosa," sufficiently attests; but he was remarkable also for his prudence, and hence peculiarly fitted for this mission. Clayton was directed to offer his services as mediator, and bore a letter from Spotswood to Hyde and Carey each, to be delivered, in case the mediation was refused, to the party refusing; setting forth, that if he would not consent to a peaceable adjustment of disputes, a force superior to his would be sent from Virginia to compel submission. Hyde and his council accepted the offer of mediation at once, professing their entire readiness to agree to any terms that in reason or justice could be expected of them. Carey at first made a pretence of similar readiness on his part; but it soon appeared that this was but a ruse to draw Hyde into an interview without the presence of any of his guards, and to secure his person; and, indeed, he actually attempted to capture Hyde, in direct violation of his promise and agreement. After his failure in this respect, he never would agree to any place of conference where Hyde could feel himself to be personally safe. At last, but not without great difficulty, Carey was induced to put his demands in writing, but he refused to sign his name to them; and when informed by Clayton that every one of his demands would be conceded, with some necessary explanations, he boldly threw off the mask, warned Clayton to retire from the business, and avowed his purpose of settling the dispute by a resort to arms only.

Beside John Porter, Carey had two other prominent adherents, one of whom, we are sorry to say, was Mr. Moseley, of whom an account may be found in our previous pages on "The Law and its Administration." What causes influenced a man, able and most

respectable in his profession as a lawyer, and whose standing gave him weight in the province, to lend himself to such a barefaced violation of all law by such a creature as Carey, we have not been able to discover. From the little light we have, however, we are inclined to the suspicion that, with him, the moving cause was personal. There was a very strong mutual dislike between him and some of the leading gentlemen of the province who were the most efficient supporters of Hyde. We cannot present this, however, as more than our conjecture merely; while we can affirm positively, that, from some cause or other, Moseley was Carey's chief counsellor and fast friend.

The other individual to whom we have alluded was a man named Roach, who lived on Pamlico. Governor Spotswood represents him as "a wretched fellow, who, being sent in lately with a cargo of goods belonging to some merchants in London, no sooner came into the country but he declared himself against the government, without examining which side was in the wrong, and has all along been a principal incendiary." Out of his store, he furnished Carey's followers with guns and ammunition, belonging to his employers, and but for him they could not have carried their rebellion to the extent they did.

This man Roach, from some of the business letters addressed to him from his employers in England, directing him to give credit to the Baron de Graffenreid to a certain amount, appears to have been a partner in or agent for a house in London, to which John Danson belonged. John Danson was Archdale's son-in-law, and thereby became ultimately a proprietor. Sir W. Berkeley died in 1682, and left his eighth to his wife, Lady Frances, in fee. She married Ludwell, and with him, in 1684, sold her share to four of the lords proprietors, viz., Albemarle, Craven, Carteret, and Sir Peter Colleton, for £300. In 1705, these four proprietors sold the eighth to John Archdale, for £400. Soon after this, John Danson married a daughter of Archdale, who, in 1708, conveyed this eighth to Danson and his wife and their heirs. Danson was a Quaker, and so was Roach, professedly. It would seem, therefore, that there was probably an understanding between the Quakers in Albemarle and their friends in England; as Roach would scarcely have ventured to supply the insurgents with arms and

ammunition belonging to Danson, without being sure of the approval of his employers.[1]

But, in truth, Carey had many adherents, and it may serve to illustrate the embittered hostility which he and his chief companions succeeded in creating, when we state that the Quakers even went far beyond their usual circumspection, and practically repudiated their own pacific principles. Spotswood thus writes: "Beside the insinuations they have made to inflame the mob, and their supplying them with arms, rather than baulk their design, several of the chief of them have accompanied Mr. Carey and his council, and some even taken upon them military titles."[2]

We cannot but think, that, had Mr. Bancroft seen our documents, he would have modified somewhat his statement of the pacific disposition of the Albemarle Quakers. He would scarcely have said they "were gentle in their tempers, of serene minds, enemies to violence and bloodshed; and the spirit of humanity maintained its influence in the paradise of Quakers."[3]

But there is another feature in this business, marked by an atrocity the most fiendish and revolting. We have already informed the reader of the outbreak of the Meherrin Indians on the most distant settlements of the Chowan, the consequent murder of some of the whites, and the apprehended danger of a war with the natives. The Tuscaroras, by much the strongest tribe of Indians near the whites, occupied the territory of what is now Bertie county, reached around on the south side of Albemarle Sound, and extended down as far as the waters of Pamlico and Neuse. They numbered twelve hundred fencible men. Acting on the hint afforded by the hostility of the Meherrins, Carey dispatched John Porter as an emissary to the Tuscaroras; and Governor Spotswood states that he was in possession of several affidavits, sent to prove that this renegade Quaker, Porter, this disgrace, not merely to the peaceful sect in which he was reared, but to humanity at large,

[1] The facts above stated, showing that Roach acted for a *Quaker* firm in England, are derived from a source where one would not be likely to look for it. The attention of the author was called to it by his friend the Hon. John H. Bryan, of Raleigh, who found the facts in the case of "Danson, widow, &c., appellant, *vs.* Trott and wife," reported briefly in 1 P. Wms. 780, and 21 Vinor, 521, and very fully in III. Brown's Cases in Parliament, 449.

[2] Spotswood's letters, ante, p. 424.

[3] Bancroft's Hist., vol. ii. pp. 165, 166.

" was with the Tuscarora Indians, promising great rewards to incite them to cut off all the inhabitants of that part of Carolina that adhered to Mr. Hyde."[1] This was in the spring of 1711; on the 22d of the following September the Tuscaroras commenced their bloody war (of which hereafter), by the simultaneous slaughter of more than one hundred unsuspecting whites, on the waters of Pamlico and Neuse. Carey and John Porter, therefore, according to the testimony of contemporaneous documents, may be considered as *the responsible authors of the dreadful Indian war that began in* 1711. And it is an important item in our history, for previous writers seem to have been perplexed in explaining the cause of this unexpected onslaught of the natives, with whom, for the space of forty-five years, the whites had lived in remarkable harmony. Some writers assign one cause for its interruption, some another; but the true historic cause we apprehend to have been the instigation of Carey and Porter, inviting the red men to take advantage of feuds and divisions among their white neighbors, utterly to exterminate them; and this fact furnishes also a key to the satisfactory explanation of certain future events hereafter to be noticed, which heretofore have been somewhat obscure to the historian.

When Governor Spotswood was informed by his messenger of Carey's insolent conduct, he immediately, with the unanimous approbation of his council, ordered out the militia of the counties bordering on Carolina. In these lived all the Quakers that were in Virginia; and, if evidence had been wanting that the tumult in Carolina was really a "Quaker rebellion," the conduct of the "Friends" on the northern side of the border would have dissipated all doubt on the subject; for they opposed all the obstacles that their fears of a wise and resolute ruler like Spotswood would permit, to the embodying of the militia. The troops, however, were enrolled, and with a body of marines were dispatched by Spotswood to Carolina. Meantime Carey had not been idle; he hoisted his flag at the topmast head of his brig, increased his naval force, and brought his guns to bear upon the house in which were Hyde and his council. Under cover of his guns he attempted a

[1] Spotswood's letters, ante, p. 425.

landing, with the intention to take Hyde, whom he openly threatened to hang. Hyde, however, had hastily collected some of the militia, and these repulsed the attempt. His situation, however, was very critical, and the promptitude of Spotswood saved him. In truth, the Governor of Virginia was just the man to feel that it was no time to hesitate. He was not of that tender-hearted class that stops to parley with rebels in arms against lawful authority, after once offering them fair terms of retreating peacefully from their treason; he knew the history of Bacon's rebellion, and that it proceeded from a much smaller beginning than this of Carey's. He knew that the insurgents were stimulating the Indians to take up the tomahawk, and that might prove as dangerous to Virginia as to Carolina. He knew that Carey had already enticed some of the negro slaves from his own frontier counties, and that they were now actually in arms among the men on board his fleet: how far this might extend he could not foresee, and these things, had there been no other causes, would have urged him to prompt *action*. The effect was magical. Upon the approach of the marines from Virginia, Carey, with a few of his most prominent followers, fled immediately to hide in the swamps of Pamlico, as far to the westward as he could safely go, to be beyond the reach of the whites. As to the mob that had clustered at his heels, they of course scattered in all directions. All present danger of bloodshed in civil war was at an end. Carey after a while took refuge in the house of his fellow-rebel Roach, and fortified it; but he improved his opportunity and gratified his revenge, on his first flight to the west, in renewing his efforts to stimulate the Tuscaroras to war against Hyde and his adherents.[1] After remaining at Roach's for a time, Carey and some of his principal companions went to Virginia, for the purpose, as they alleged, of obtaining a passage to England, where they might explain their conduct to the lords proprietors. Governor Spotswood had them brought before him, and examined them as to their purpose in visiting his colony. He had no idea of permitting such incendiaries to remain within his government. He found so much evasion in their answers to his queries, that on their positive refusal to give security for their appearance in Eng-

[1] Chalmers' Hist. of the Revolt, vol. i. p. 401.

land to answer what might there be alleged against them, he was convinced that the last thing they intended to do was to stand a trial. Accordingly, he put them as prisoners on board a man-of-war, and sent them off to England, to be tried under the statute against foreign treason; informing the secretary, Lord Dartmouth, of all his proceedings. What became of Carey afterward is briefly told. He subsequently returned to Carolina, and thence went to the West Indies, after which we have found no further trace of him.[1] One circumstance resulted from the sending Carey to England by Spotswood. When the authorities in Carolina were informed of it, they wrote to the Secretary of State, "that they should consider it as an act of compassion to them, if the criminals were sent to Virginia for trial, because the charge of a prosecution in England would ruin the country." The consequence of this was, that Lord Dartmouth wrote circular letters to the authorities in all the colonies, in August, 1712, directing the governors "to send over no more prisoners for crimes or misdemeanors, without proof of their guilt." This was equivalent to forbidding their being sent at all, because the evidence could not ordinarily be transmitted with them; the expense alone, independent of other obstacles, was sufficient to prevent it. As far as we can discover, no prisoner was ever transmitted to England from any of the colonies, to be tried for treason, after Carey; and Carey, we think, was never tried, simply for want of testimony.[2]

Our narrative has now brought us to one of the most calamitous of all the incidents that occurred during the proprietary government: we mean the massacre and Indian war of 1711 and 1712. Up to this period, the most amicable relations appear to have subsisted between the whites and natives generally. If occasionally it was interrupted, it was in cases of individual feud or variance only, and was ordinarily soon settled by the law, which was equitable enough in such cases.

The Indians were employed by the whites as domestics, and were permitted, without suspicion or alarm, to have free ingress or egress to or from their dwellings. As we have before stated, various causes have been assigned by previous writers in explana-

[1] Pollock MSS. [2] Chalmers' Hist. of the Revolt, vol. i. p. 401.

tion of the outbreak of the natives. Some have imputed it to the successive and regular encroachments made on their hunting-grounds, and to their compulsory removal from the spots where the bones of their ancestors were buried. Others have supposed that they were tempted by the long-continued feuds among the whites themselves, to indulge the hope, that, in the weakness caused by their divisions, an opportunity, long desired and perhaps expected, had at length arrived for the gratification of their revenge, in the work of extermination. And possibly both these causes may have operated; the first, however, was probably suggested to them, while the last was original. Our researches, however, have brought us reluctantly to the conviction, expressed on a previous page, that a more potent cause than either of these was the direct agency of Carey, and perhaps of some of his adherents, especially of Roach, in instigating the savages to commence a war against such of the whites as were opposed to him. His reason, paralyzed by his rage, may have failed to perceive all the horrible consequences of his atrocious conduct; but that Carey was the chief instrument in causing the Indian war of 1711, we have but little doubt. The manuscripts before us have led us to our belief. Governor Spotswood, in speaking of the conduct of the Indians, thus expresses himself: "—— they have continued their ravages in burning those plantations" [on the frontier] "and others deserted by the inhabitants for fear of the like. I will not affirm that will be a heavy charge against Colonel Carey, that the invitation his party gave the Indians to cut off their fellow-subjects has been the occasion of the bloody massacre; though that charge is proved by *good testimony*, and *firmly believed in Carolina*."[1] The "good testimony" here alluded to consisted, as we learn from another of his letters, of *affidavits* in his own possession, furnished, as he intimates, by witnesses of respectability. "The death of Governor Hyde" (thus writes Colonel Pollock to Lord Carteret) "hath been of fatal consequence to this government; who hath labored under abundance of difficulties since his arrival here, by the divisions and differences among the inhabitants here and the Indian war; all which I believe I may truly declare hath

[1] Spotswood MSS.

been chiefly occasioned by —— and some few evil-disposed persons, with the whole body of the Quakers, who joined them, and were chief instruments to stir up Colonel Carey to act as he did."[1]

It may assist the reader if we here enumerate the whole number of fighting-men among those tribes of the Indians that lived near the settlements, or had intercourse with the white inhabitants, about the time the war broke out. The most numerous were the *Tuscaroras*, who lived in what is now Bertie, and chiefly in the counties south of Albemarle, on the waters of Pamlico and Tor [Taw] River. These amounted to twelve hundred men. North and northwest of Albemarle Sound were the *Meherrins*, *Nottoways*, *Chowanokes*, *Pasquotanks*, *Poteskeets* (Currituck), *Connamox*, and *Yaopim*. These furnished about one hundred and sixty warriors. Beside the *Tuscaroras*, southeast of Albemarle were the tribes of *Neusiocs*, *Pamlicos*, *Cotechneys*, and (nearer the ocean) the *Woccons*, *Maramiskeets*, *Matchapungos*, *Hatteras*, *Cores* or *Coranines*, *Croatans*, and *Bear River* Indians. These contained about two hundred and fifty fighting-men. At the south were the tribes of the *Saponas* and *Sippahaws*, distinct from the *Tuscaroras*. Of these the *Saponas* had some strength; the *Sippahaws* were feeble. The whole number of Indians capable of taking the field, in all these tribes combined, was a little more than sixteen hundred.

The largest portion of the white population was on the north side of Albemarle Sound. The tribes in their immediate vicinity were individually weak; nor was much to be apprehended from them, except as component parts of a general uprising of the natives. For the most part, however, they seem to have been quiet, with the exception only of the *Meherrins*, whose descent upon the upper waters of the Chowan we have already mentioned. In and about Newbern, over the country intervening between it and Washington, and up the Pamlico around Bath, in Jones county on the Trent, and in Carteret between Newbern and Beaufort, was to be found the principal portion of the other white inhabitants of the province. Most of the Swiss and German palatines were about Newbern and its vicinity. Here were their lead-

[1] Pollock MSS.

ers, De Graffenreid and Mitchell. The latter had planted some in Jones county, who were extending their settlements toward Onslow. The French Huguenots who had come in from Virginia, were gathered in the greatest number in and around the town of Bath; though some were living in the present counties of Craven, Jones, and Carteret. The region on the Pamlico had enticed settlers of wealth and standing from the northern shore of Albemarle; and here resided, at times, Hyde the governor; while Gale, the chief-justice, and Knight, the secretary, lived there permanently. They were attracted to Bath, after the town was established, from the expectation that the better entry from the ocean, through Ocracoke, would make it the commercial depot of the province.

The *Tuscaroras* were the leaders in the confederacy, and their plans for a simultaneous slaughter were prepared with equal skill and secrecy. To the *Tuscaroras* was committed the work of destruction on the plantations bordering the Roanoke River, and from thence down to the Pamlico. The Indians who lived on the latter stream, and gave to it its name, were charged with the slaughter of the whites near them. The *Cotechneys*, who lived in what is now Greene county, were to effect a junction with the *Cores*, and do the work at Newbern and on the rivers Neuse and Trent. The *Maramiskeets* and *Matchapungos*, who were in Hyde and Beaufort counties, had confided to them the murder of all the whites at Bath and on the neighboring plantations. As to the northern shore of Albemarle, the *Tuscaroras* and *Meherrins* were to dispose of that, assisted by the smaller tribes. A time was appointed for simultaneous action, and on the day preceding the new moon, which would occur on the 22d of September, 1711, the work of murder was to begin; meanwhile their purposes, notwithstanding the numbers to whom they were made known, were kept secret as the grave. The whites, suspecting nothing, indulged in a fatal security.

A few days, however, before the period fixed for the massacre, a circumstance occurred which, had it been known to the whites in and around Newbern, might have roused them from their misplaced confidence in the friendship of the natives. The Baron de Graffenreid, and Lawson, the surveyor-general, left Newbern in

the baron's boat, to ascend Neuse River, for the purpose of inspecting the lands, and of ascertaining how far the stream was navigable. After proceeding some miles, intending to spend the first night out at an Indian village called *Coruira*, when they arrived there, they were met by two Indians, who were presently joined by a large number, all armed. Not liking the aspect of affairs, the baron and Lawson determined to proceed up the river, and for this purpose went toward their boat, when the Indians seized them and took possession of their arms and provisions. They then compelled them to travel all night to an Indian village at some distance from the river, where they delivered them up to the chief of the town. A council was called the next day, when the prisoners were examined as to their intentions in ascending the river. It is not improbable the savages were apprehensive that in some mode their intended massacre had been discovered, and that the prisoners had come out to make observation as spies. The baron and Lawson told them, in answer to their inquiries, that their object was to find, if they could, a shorter and better road to Virginia. The Indians then began to make complaints of the English colonists in general, and particularly of Lawson, who, they said, was the man that sold their lands; they made also some trivial complaints of individual acts of wrong on the part of one or two other Englishmen. These, we apprehend, were but pretexts, as they finally determined that, on the next day, the prisoners should be released and return home. They were themselves contemplating an act of treachery and wrong, and naturally made suspicious by their own consciousness, they would have arrested any other white men whom they might have found among them, as promptly as they did the baron and Lawson, and would as readily have found some cause of complaint, as an excuse for their conduct. On the next day, when they hoped to be released and permitted to return home, the prisoners were subjected to another examination; but a Core Indian being present, who had been, on some occasion, reprimanded by Lawson for some misconduct, produced an unfriendly feeling toward the prisoners. To add to this misfortune, after the council was dissolved and most of the Indians had gone, De Graffenreid and Lawson conversed on indifferent subjects; but an Indian, who understood a little English,

overhearing them, represented to his countrymen that they were speaking disrespectfully of them. The baron affirms that this was untrue; however that may be, the natives, enraged by what they had been told, fell upon the whites, beat them, and condemned them to death. The next day they were taken to the place of execution, where finally Lawson and the innocent negro servant of the baron were executed. The baron escaped by claiming to be king of the German palatines, and demanding of them by what authority they could put a king to death, especially when he had committed no offence toward them. This induced one of the more sober and honest of the Indians to interpose, and by his remonstrances the sentence was altered, and the baron was kept a prisoner merely.[1] The mode of poor Lawson's death was terrific. The reader may perhaps remember a quotation on a previous page, from his language, especially commendatory of the humane and gentle feelings of the Indians of North Carolina. They now afforded him appalling evidence of his mistake. According to the statements of some of the Indians, made afterward to the whites, they stuck his body full of fine splinters of the torch-wood of pine, saturated as they were with turpentine, and *set them on fire!* The only consolatory reflection which such a story can furnish is, that his sufferings must have been brief.[2] But of all these circumstances the unsuspecting whites knew nothing; the absence of the baron and Lawson occasioned no surprise or inquiry, as it was well known in the settlement that such absence was intended. It may well be doubted, too, whether the Indians would have practised such barbarity on such frivolous pretexts, but for the existence of the secret plan of speedy extermination to which they were parties. The habit of submissive acquiescence for forty-five years would not thus suddenly have been broken—they would not thus have dared the retributive vengeance of the whites—had they not been persuaded that, in a few days, there would not be a white man alive to execute it.

At length the appointed day of slaughter came. Twelve hundred Tuscaroras, separated into numerous small divisions, entered upon their secret march. No outward manifestation of hostility

[1] This account is taken from the baron's letter to Gov. Hyde.

[2] Gale's letter to his sister, ante, p. 388.

was to be seen: individuals were sent among the whites to reconnoitre, and, as usual, entered the houses of their doomed victims as friends. As night approached, larger numbers appeared, as if seeking provisions; but still not in such quantities did they show themselves as to beget alarm. At the dawn of day they impatiently waited for sunrise, which was the preconcerted signal for the simultaneous butchery. As soon as it arrived, those in the houses of the whites—and scarce a habitation in any settlement of the province was at that moment without them—gave a whoop, which was instantly responded to by their companions lurking in the adjacent woods, and the frightful work of blood began. The slaughter was indiscriminate, and the wonder is that any white person escaped. Gray-haired age, and vigorous manhood, and childhood's helplessness, all fared alike. One hundred and thirty victims were butchered in the settlements on Roanoke. The Swiss and palatines around Newbern, to the number of sixty and more, were murdered. The poor Huguenots of Bath and its vicinity, to what number we know not, fell under the knife or the tomahawk. Happy he who could hide himself, or escape from the scene of horror. But soon the torch was applied to dwelling and storehouse alike, and the concealed were forced from their hiding-places. The incarnate fiends, with loud yells, then marched in their several divisions through the forests to a common centre previously designated, and, infuriated now by drunkenness, staggered on their bloody man-hunt for the few whites who had escaped the desolation of their habitations. They formed new parties, and scoured the country north of Albemarle, as far westward as the Chowan. Whether the inhabitants of that region had fled on a timely warning, furnished by rumor, of the bloody tragedy on Neuse and Pamlico (the weakest part of the province where the slaughter began), we cannot say, but no particulars have reached us of the extent of slaughter there. The carnage lasted for three days, and terminated at last from the disability produced in the savage by the combined effect of drunkenness and fatigue. The few colonists who had escaped slaughter, availing themselves of this forced suspension of wholesale murder, gathered together as they could with their arms, and stunned by the blow they had received, attempted at first nothing more than to collect the wo-

men and children and guard them night and day, until time would enable them to concert other measures.

The condition of the province, when thus assailed by the savages, could not well have been more unpropitious. Faction had so long been rampant, that Governor Hyde saw at once the impossibility of raising troops half equal in number to the Indians who were in arms. Nearly one half of the people in the province were Quakers professedly, or sympathized with the Quakers, because they were in truth the dominant party; and association with them, though but nominal, brought with it exemption from church taxation. The bitterness of party feeling and long-continued mutual exasperation, had made the contending factions more ready to point their weapons against each other than to employ them against a common enemy. The picture is an over-sad one as presented by Colonel Pollock. He represents very feelingly the "abundance of difficulty" which the governor had to encounter from "the divisions and differences among the inhabitants here and the Indian war, all which" (says he) "I believe I may truly declare hath been chiefly occasioned by —— and some few evil-disposed persons, with the whole body of the Quakers," &c. "And albeit these Quakers were very active in persuading and assisting the people to rise for Colonel Carey against Governor Hyde, yet now in this Indian war, wherein Neuse and Pamlico, and the south and southwest shore of Chowan, which is the best part of the government, are in great danger to be greatly deserted, yet they neither will assist themselves nor suffer others; but hinder and dissuade them all they can, they having great influence on the common people, and will not so much as lend their arms to those who are willing to go, and, as I am credibly informed, hide them for fear of their being pressed."[1] He then enumerates the troubles under which the province was laboring, as follows: "An Indian war heavy upon us; the public some thousand pounds in debt," and therefore unable to pay the troops who went out; "and lastly, the disobedience and stubbornness of the people, which is of more consequence than any of the rest, and chiefly occasioned by these Quakers and some few other evil-disposed persons, who have been

[1] Pollock MSS.

a plague to this government these four or five years last past, and who easily may be known by Governor Hyde's reiterated complaints against them to your lordships."[1] In another communication he thus writes: "As the Quakers, with their adherents, have been a great occasion to the rise of the war, so they, with two or three persons more (not in such post of profit and trust in the government as they desired), have been the chief cause that the war hath not been carried on with that vigor it ought, by their disobedience to the government encouraging others to disobey. And in several precincts they, being the most numerous in the election fields, chose such members of Assembly as opposed chiefly what was necessary for carrying on the war. So that the generality of the people seeing the Quakers, for their disobedience and opposition to the government, rise actually in arms and attack the government and council, yet escape without any manner of punishment, were emboldened to do the like, and seemed to want only one to head them to carry on another insurrection."[2] Governor Spotswood tells a similar story.[3]

We are left in no doubt as to those among the leading Quakers whom Governor Hyde had denounced to the lords proprietors. During Carey's rebellion, just before the Indian war broke out, the governor, by their lordships' directions, issued a proclamation, pardoning all who had been concerned in the revolt of Carey against Hyde, and who would submit peaceably to authority; but from the benefit of this act of clemency were specially excepted Carey, the two Porters (John and Edmund), Roach, Tillet, and Emanuel Low, Archdale's son-in-law. We must presume their conduct to have been reprehensible in the highest degree, for Archdale himself was one of the proprietors when these directions were given. The records of the governor and council for 1711 and 1712 also show that Low was arrested, brought before the council, and committed to the custody of the provost marshal, for his conduct "in stirring up sedition and rebellion against the government."[4] It also appears from the same authority that a proclamation had been issued, offering a reward of fifty pounds for his apprehension, and that the individual by whom he was

[1] Pollock MSS.
[2] Ibid.
[3] Spotswood MSS.
[4] Council Records, in the secretary's office, July 12, 1712.

captured, produced the prisoner and claimed the reward. The fact is, that Low, though a "Friend," was sometimes ready to fight. We find on the minute-book of "Friends" that he was brought under discipline for his propensities in this particular; and we should infer that he was quick of temper and indiscreet in his opposition to lawful authority, from the fact also appearing on the minute-book, of "some complaint against him *touching government.*"[1] Indeed, the same records show that the coercive, not to say arbitrary, power of the governor and council, were not unfrequently exercised, from necessity, in carrying on the war. Thus, vessels and boats were impressed when required, corn and other food was taken for the support of the troops, without always consulting the wishes of the owners. Such, too, was the demand for men, that those under recognizance to appear at court and answer to indictments, were released of their obligations and taken out of the hand of the attorney-general by the council's order of a *nol. pros.*, provided they would enlist and take the field against the Indians. The only class of men in whose favor an exception seems to have been made, was the blacksmiths; as we find on the records that, upon petition from some of the settlements where there was but one artisan of that trade, representing the indispensable need of his presence at his forge, the council excused him from going to the wars. But with all the efforts made, and all the means, ordinary and extraordinary, that could be devised, the governor still saw that it was impossible for him to subdue his savage enemy. The combination was so general that he could not secure any one tribe as his ally, to aid in conquering the rest; and beside, the Tuscaroras, who were the leaders, had double the number of warriors of all the rest combined. But without Indian allies he could hope to do but little. The battle, whenever it occurred, was not to be fought in open field and settled by strength and prowess; but, after the manner of the North American Indian, his enemy, as he well knew, would rely as much on stratagem and cunning as on strength. His deadly missile would be sent from behind a tree; and if driven to a retreat, his refuge and his hiding-place would be in some swamp inaccessible to the white

[1] Vide ante, p. 325.

man. He saw, therefore, that he must get Indian allies from a distance. North of him was Virginia, with an energetic and good governor; south of him, the settlements in what is now South Carolina, belonging to the same masters as those whom Albemarle acknowledged. He communicated his perilous situation to both, and asked for help. To the latter he dispatched without delay a special messenger, Christopher Gale, with an account of his condition. In the preliminary documents to this chapter the reader may find the story the messenger told.[1] Spotswood (as we learn from his letter to the council of trade of October 15, 1711), apprehensive that the outbreak of the Indians might extend into his own government if not suppressed, and anxious also to save his countrymen in Carolina, sent out immediately detachments of his militia to overawe such tribes as were tributary to Virginia, and dissuade them from joining those in arms. He had heard also that some few of the Tuscarora towns in Carolina had stood aloof, refusing to be concerned in the massacre. He sent to them, desiring that they and some small neighboring tribes would meet him the next week, at a place which he designated on the frontiers. On the appointed day the governor was at Nottoway town, with a disciplined and orderly body of militia, consisting of sixteen hundred men. This spectacle, as may be supposed, impressed the Indians strongly, for it evidently surprised them; and they assured Governor Spotswood of their desire to be friends with the English. They left him, proposing to return before the month closed with an answer to his proposition that they should take up arms for the whites. It was some evidence of their sincerity that, on Spotswood's application, they consented to set free the Baron de Graffenreid, whom the Tuscaroras had kept as a prisoner ever since their murder of Lawson, some five weeks before.

After the departure of the Indians, when the Virginia Assembly met, upon a representation of the State of Carolina, the House of Burgesses petitioned Spotswood to declare war against the Tuscaroras, and voted twenty thousand pounds for its prosecution. The council concurred, with the single reservation, that if such of the Tuscaroras as had not joined in the massacre, should come in, and

[1] Ante, p. 390.

agree to the propositions which the governor had made to them at the Nottoway towns, they should be received as allies. They did come in, and did agree, and were in all respects willing to comply with the governor's propositions; but the House of Burgesses, acting as some of them afterward acknowledged on technical grounds, for the support of some unimportant punctilio, involving their consistency or supposed dignity, *did not vote the proffered appropriation* of twenty thousand pounds in the army bill they passed, and of course Spotswood could do nothing toward sending his troops into Carolina. He succeeded, however, by means of funds furnished by wealthy individuals, in keeping the friendly Tuscaroras and some of the smaller tribes quiet.

De Graffenreid, whose enlargement he had been able to obtain through the instrumentality of these friendly Tuscaroras, was obliged, before they would let him go, to conclude a treaty of neutrality with such of the savages as were in arms. Its principal terms were, that the baron and his palatines on the one hand, and the Tuscaroras and Cores on the other, should preserve friendship toward each other; that, in the war between the English and the Indians, the palatines should remain neutral; that the baron should take up no land without the consent of the natives. This treaty, of course, was very distasteful to the whites, particularly when they found that De Graffenreid would abide by it, unless they would agree to furnish him and his palatines with food and munitions of war, in which case he avowed his readiness to arm his people and take the field. But they would not undertake to furnish supplies, and he maintained his neutrality, much to the advantage of the province; for it afforded him an opportunity which he improved, at the constant risk of his life, to discover and communicate to the whites all the Indians' plans. This neutrality alone probably saved the remnant of the settlement at what is now Newbern from utter extermination. The danger of discovery, however, was so constant and so great, that the baron would gladly have removed with his palatines to Virginia.

We turn now from Virginia, to relate the consequences of Governor Hyde's appeal for aid to South Carolina. The legislature, with great promptitude and liberality, responded to the cry of

distress, and voted both men and money readily. Colonel Barnwell took the command of a small body of militia, and several hundred Indians, mostly Yamassees, and entered upon the long and toilsome march through the then wilderness, between Charleston and Neuse River. While they were on their way, Governor Hyde and his council were not idle. The first measure was to embody the militia, as far as faction would permit, and employ a part in the indispensable work of guarding and protecting such of the inhabitants as were defenceless: these were collected in temporary forts erected in the country around Neuse and Pamlico, and on the south and southwest shore of Chowan; and as in the former nearly all the provision had been destroyed, Albemarle had to supply the sufferers with food.

The residue of the militia were kept under arms awaiting the arrival of their allies from South Carolina. As soon as they arrived (and their expedition was remarkable), a junction of the forces was made, and they assumed an aggressive attitude. The Indians, as soon as the troops of the province approached, collected all their strength into one body, but retreated as Barnwell advanced on them. He pursued and came up with them on the 28th of January, 1712, in the upper part of the present county of Craven. Here they had erected, on the shores of the Neuse, a strong wooden breastwork or palisade fort, about twenty miles to the westward of the town of Newbern. Receiving at this place some fresh reinforcements, they marched out boldly to give battle to the whites. Barnwell, however, made on them an assault so furious that he defeated them with great slaughter. More than three hundred Indians were killed, and one hundred were made prisoners; how many were wounded, or afterward died of their wounds, was not known. The survivors retreated into their fort, and were there surrounded by the troops of Barnwell.

The news of this battle was very animating to the governor and his council. They ordered a formal vote of thanks, first, to the government of South Carolina, for sending Barnwell and the troops; and secondly, they deputed two of their members to convey the thanks of the board to Barnwell personally, "for his great care, diligence, and conduct." They next resolved, at all hazards, vigorously to prosecute the war, and entered on the council rec-

ords, by unanimous vote, the principles on which they would conduct it. These were:

First—To make no treaty of peace with the Tuscaroras until they delivered up, alive or dead, such of their tribe as were joined with the chief Handcock, who was notorious as a leader in the late massacre. The evidence of their complicity with Handcock was furnished by the statement of Colonel Barnwell as to the quantity of English goods, clothing, and scalps he found among them.

Secondly—That as to Indians belonging to those towns that actually joined, *en masse*, with Handcock, no peace should be made on any terms, but that they should be entirely extirpated, "according" (say they) "to the laudable custom of South Carolina."

Thirdly—That at least two hundred men should be raised for four months' service, to act with the South Carolina troops, and that for the subsistence of the whole army, magazines of supply should be established where Barnwell might direct, on Neuse and Pamlico rivers.

They also resolved that as Chief-justice Gale, their agent in South Carolina, had not returned, and as they were consequently ignorant of what arrangements or obligations he had entered into on their behalf, they would respectfully ask for information from South Carolina on this subject, and also request that power might be given to Barnwell to concert with them and the authorities of Virginia such measures as would effectually put an end to Indian massacres.[1] Gale, it should be remarked, had not been wanting in his duty: he had set out on his return, but was prevented from prosecuting his journey by causes which he could not control.

Thus far all seemed prosperous, and Colonel Barnwell appears, on the records of the country, to have possessed the esteem and confidence of the authorities in North Carolina. Tradition, too, in that part of the country, has preserved a most respectful remembrance of Barnwell. The author, who was born near the spot, has made inquiry of the most aged of his countrymen, and

[1] Journals of Council.

found none who, in that region, had ever heard of any disparaging imputations on Colonel Barnwell. His name is still honorably retained in memory by this same Indian fort of which we have just spoken: the spot where it stood is called to this day Fort Barnwell, and the stone arrow-heads, turned up by the plough, still show the site of the battle-field. But the truth of history requires of us, with honest impartiality, to say, that it would seem from the records of the council of North Carolina, of May 9th, 1712, some three months after the battle, that from some cause, not specifically mentioned, the authorities of the province were not satisfied with Barnwell's conduct. Their minutes state, that "by divers concurring informations" it appeared to them, "that Major-general Barnwell has been very remiss in the execution of his trust reposed in him by this government against the Indians." And they ordered, that "if *upon examination*" this should prove true, his misconduct should be represented to the government of South Carolina, by a special agent to be sent for that purpose. We cannot find upon our records that any such "examination" was ever made; but on the minutes of June 2, 1712, it appears that James Foster was appointed as agent to represent to South Carolina the present state of the Indian war, "and the late management," and to solicit further aid.

We have made diligent research to find, from other sources, the cause of this altered feeling toward Barnwell; and from the letters of Governor Spotswood, Governor Hyde, and Colonel Pollock, we gather that in two particulars his conduct was complained of.

First, it was alleged that after the Indians had retreated to their fort, and were surrounded by his men, he had them completely in his power, and might, by exterminating them, have put an end to the war; but notwithstanding this, and notwithstanding also that Colonel Mitchell had raised a battery within eleven yards of the fort, and mounted it with two pieces of cannon, surrounding also a portion of the palisade with combustibles, he nevertheless made a treaty with the savages thus beleaguered, and permitted them to escape.

Secondly, it was stated that, after the treaty, he violated good faith by permitting his men to fall upon the towns of those

Indians with whom he had made peace, and thus renewed the war.[1]

These gentlemen, Spotswood, Hyde, and Pollock, were all, as we believe, upright men; still, it is but justice to state the circumstances which tend to show how far they may unconsciously have been affected by their personal feelings toward Barnwell, and thus been led to look more unfavorably than they would otherwise have done on his conduct.

Governor Spotswood knew nothing of him personally. His information came from Governor Hyde and Colonel Pollock, and therefore is but a reiteration of their opinions, honestly uttered by them, though, possibly, somewhat colored by an undetected prejudice. Their opinions were received implicitly by Spotswood, from the confidence which he very justly reposed in them as honorable men, who would not *wilfully* or *knowingly* misrepresent.

Governor Hyde and Barnwell were not on the best of terms. This, under the circumstances, was but natural: the one was governor of the province, and, as such, commander of North Carolina troops; but Barnwell was independent of his control, and commanded the men of South Carolina who had come to the rescue, and done an important service. It gave him, therefore, in the crisis of the times, a position which temporarily exalted him above Hyde. He had done what Hyde was obliged to confess he could not do: he had struck a heavy blow in punishing the Indians, and thus given some security for the preservation of the lives of North Carolinians thereafter; and men's minds at that time were very naturally fixed on the consideration of how *life* was to be preserved among the savages. Hyde, we think, felt this.

As to Colonel Pollock, one of the most influential and best men the province had, he had resided in it for many years; and, unlike Spotswood and Hyde, he had been forced into party strifes and

[1] We have endeavored to frame our story here, as far as possible, from the original manuscript records; for these have shown us the gross inaccuracy of some of the earlier printed accounts. Williamson, for instance, has no authority, that we can find, for saying that Barnwell desired to throw the odium of the Indian war on Hyde, *because he coveted his place of governor*. North Carolinians do not recognize Williamson's work as a history of their State. It is inaccurate in a great many particulars; and sometimes, as the present writer can testify, when there is proof that the original record was lying before him.

collisions from time to time, and knew thoroughly every leading man in the province, whether friend or foe. He had been obliged to know them for years. The reader will doubtless recollect the unwavering loyalty and constancy with which he maintained the authority of the lords proprietors in all the civil commotions of the province, and more especially in the rebellion of Carey, his opposition to which caused his banishment to Virginia. From that exile he had returned to his home on the accession of Hyde but a few months before; and it was more than could be expected of human nature that he should look with aught but angry and suspicious feelings at Carey or any of his abettors. Now Moseley was throughout one of Carey's supporters, and his chief adviser; and from Pollock's own letters we learn that he believed a strong intimacy and confidence had grown up secretly and suddenly between Barnwell and Moseley. It was hence scarcely possible that in his ignorance of the relation between them he should suspect it to be of the most dangerous kind, and for the worst purposes. He could not, therefore, but look on Barnwell with suspicious distrust. It was, consequently, not difficult for him to convince himself that Barnwell had permitted the easy escape of the Indians, under the treaty, for a sinister purpose. And when these Indians in a very short time renewed their hostilities, he thought he saw that purpose. We must not forget, however, that Barnwell may have had no such sinister purpose. He may have made the treaty very honestly, and, as he supposed, for causes quite sufficient; at any rate, it is but fair to let him state his motives for himself. In his letter to Hyde he stated that he and his men were *destitute of provisions;* they could not, therefore, have carried on a siege of any length, nor kept the field for any time. Now the records of the council of North Carolina show that this cause did, at that moment, actually exist. He himself was wounded, and had to send to Charleston for a sloop to convey himself and his disabled men home by water; while, had he attempted to carry on the war, he knew he must do it with diminished forces; for Chalmers informs us (and he wrote with access to the official documents of the day), that his Indian allies, according to the usual savage custom, had left him in large numbers immediately after the battle, to return to South Carolina, there to mourn the loss of

their slain warriors, and to sell their prisoners as slaves.[1] As to some of his Indians who remained falling on the Tuscaroras who had made the treaty with him, that may be true. But we think Spotswood was entirely misinformed when he attributed this breach of faith to Barnwell, who was not with them then. We believe they were instigated by the same men who first incited the Tuscaroras to the massacre,—*the adherents of the Carey faction*. They first brought on the war; they had an interest in continuing it: Barnwell had none, and especially with diminished forces. There is something suspicious, too, in the long interval that is permitted to elapse between the time of the treaty, January, 1712, and the period when the council of Carolina first notice the supposed treason in it, May, 1712. The treaty was no secret during all this period; the imputed consequences showed themselves some four months before the council said a word; and when they did speak, they confessed that they had made no "examination" of the facts, important as they were to the country. They never, so far as our records afford evidence, made the official complaint to South Carolina which was to follow, if, on examination, they found Barnwell guilty. Mr. Rivers shows us that the South Carolina authorities did not appear to think that Barnwell had been guilty of misconduct; for, according to his history, but for the injuries he had received in the first expedition, he would doubtless have been appointed to command the second that was sent to North Carolina.[2] Barnwell filled various important places of trust afterward in South Carolina, and we know not of any distrust his countrymen showed toward him.

He may be, as some have thought, in some slight degree censurable for not controlling his Indians after the battle, and preventing their attack on the Tuscaroras; but if he be, the censure must be shared by every officer who ever commanded North American Indians as allies. After a victory they will be controlled by no one. On the whole, our conviction is, that for the renewal of the war, *Carey's adherents* are far more responsible than Colonel Barnwell.

But on whomsoever may rest that guilt, so it was that the war

[1] Hist. of Revolt, vol. i. p. 403. [2] Rivers' Hist. Sketches of S. Carolina, p. 254.

was almost immediately resumed by the Indians, with greater rage and more atrocious cruelties. The Assembly met on the 12th of March, 1712, and now saw that every thing was at stake; in fact, that the contest was for existence; and so they voted four thousand pounds to carry on the war, and dispatched a messenger to the Sapona Indians to engage them if possible as allies. They ordered a fort to be built at Core Sound, and garrisoned with thirty men; this was called Fort Hyde, and was meant to overawe the Core Indians. Another was directed to be constructed on Tor [Taw] River, at the plantation of a Mr. Reading, and ten men were placed in it. Their next step was once more to solicit help from Virginia and South Carolina. Governor Spotswood exerted himself to afford relief, but the principal aid came, as before, from South Carolina.

As if the renewal of the war were not chastisement enough of these people, who had been so long quarrelling among themselves, it pleased Providence about this time to send on them other calamities. They were alarmed by the prospect that the Senecas and the others of the Iroquois Five Nations of New York were about to come down and join their Tuscarora brethren in the destruction of Carolina. This caused them anxiety, and, what in their impoverished condition was worse, cost some money. Added to this, was the fearful visitation of epidemic disease which scourged them, for the first time in their history, in the form of yellow fever. Men fell before it like the leaves in autumn, and it sadly diminished their little remaining strength. And finally, among its victims was to be numbered, at a time when he could least be spared, their governor. He died on the 8th of September, 1712.

Amid this complication of calamities, the council met, and, on the 12th of September, elected Colonel Pollock as president and commander-in-chief. This gentleman had, on former occasions, when the governor died, been appointed chief by his co-deputies; but he had uniformly declined the office. But now, the earnest importunities of the council were added to his sense of what he owed the country and the lords proprietors, and he immediately informed their lordships that his real desire to serve her majesty, the proprietors, and the afflicted people of Carolina, together with the importunity of the council, had forced him to accept of the

administration at this period of insuperable difficulties, when in more peaceable times he had declined it.[1]

He could have had no personal motives to prompt his acceptance, for there certainly was nothing in the presidency then, either to tempt or reward ambition. The picture which he presented to the lords proprietors, in his first communication, was disheartening enough. The government was bankrupt, the people impoverished, faction abundant, the settlements on Neuse and Pamlico destroyed, houses and property burned, plantations abandoned, trade in ruins, no cargoes for the few small vessels that came, the Indian war renewed, not men enough for soldiers, no means to pay them, the whole available force under arms but one hundred and thirty or forty men, and food for the whole province to be supplied from the northern counties of Albemarle only.[2] This was indeed a fearful accumulation of difficulties, and the prospect of their removal almost hopeless, from the systematic opposition of Carey's old adherents and nearly the whole body of Quakers.

We have been struck, in this part of our story, with the evidence afforded of the sagacity, judgment, firmness, and loyalty to the proprietors of Pollock in this trying situation. He knew, of course, that he must have Indian forces, and that they must come chiefly from abroad. Therefore, as Hyde had done before him, he turned to Virginia and South Carolina; nor did he in his application conceal his poverty, but frankly said that he could make no stipulations for payment, because he did not know that he could fulfil them. When Virginia asked, as security for the reimbursement of her expenses, a mortgage of the proprietors' lands on the Roanoke, he was loyal to their lordships, though then suffering grievously from their neglect, and answered at once that he had no authority to hypothecate their lands, and could find no justification in his necessities for doing that which was not included in his powers as a trustee. Nay, he was watchful even of their honor. When Governor Spotswood had succeeded in getting some of the Tuscarora chiefs (few in number), whose towns had not engaged in the war, to meet him in Virginia, Pollock sent Gale and Knight, the chief-justice and secretary, to attend the conference,

[1] Pollock MSS. [2] Ibid.

lest Spotswood should make a treaty for Carolina with them—an act "that would be dishonorable to your lordships" (says he), "and make *us* appear contemptible in the eyes of the Indians."

So, too, apprehensive that the Five Nations of New York might come down to join the Tuscaroras, he took pains to keep himself apprised of their movements, and, by Indian messengers, communicated with Schuyler, the New York agent, on that subject, and secured his influence to keep the northern Indians quiet. When a Seneca, who had straggled down to Carolina and joined in the war, was made prisoner, Pollock ransomed him, treated him kindly, sent him by water to New York, and so returned him to his home.

He knew the Carolina Indians well, and by his sagacity kept in a state of neutrality some of the Tuscarora head men, particularly a noted chief called Tom Blunt, and finally succeeded in obtaining an interview with him and others, and so convinced them that it was their interest to take part with the whites, that they sought at his hands a treaty which should bind them to a peaceful demeanor. Here his firmness and sound judgment was shown by peremptorily refusing to talk of a treaty, until they had given some pledge of their honesty by bringing to him, alive or dead, certain Tuscarora chiefs who were leaders in the war, and notorious for their cruelties. *They promised to do it;* but he guarded against their treachery while he seemed to trust them, and silently acted as if he were sure they meant to prove faithless to their promise. We cannot but consider it a fortunate event for the province that Pollock was elected to the presidency upon Hyde's death, and it is doubtful whether any other member of the council could have been found who could have brought as much of sound judgment and personal influence to the relief of the distracted settlement. He was energetic and unwearied in his efforts, and disinterested in his plans and purposes. One proof of the confidence felt in him was, that though he had always openly opposed the Carey faction, to which the Quakers adhered; and although, under Hyde and his predecessor, the measures for protecting the colony, either by means of men or money, had been uniformly resisted and thwarted by the Quakers,—yet in a little time, under Pollock's government, he had so far subdued this factious spirit of opposi-

tion that he was able to say of the Quakers, that, "though very refractory and ungovernable in Mr. Glover's and Governor Hyde's administrations, yet, since I have been concerned, I must needs acknowledge they have been as ready (especially in supplying provisions for the forces) as any others in the government."[1]

Not long after his election, President Pollock received the gratifying intelligence that the Assembly at Charleston had, with great promptitude, directed Craven, the governor, to send immediately to the relief of the inhabitants of Bath county a force of a thousand Indians and fifty whites, under the command of Colonel James Moore. The governor, with equal readiness, complied with these directions, and in his anxiety to expedite the succors, marched with the men as far as to the boundary of the two settlements.

Virginia also voted the sum of thirty-five hundred pounds to assist the Carolinians in carrying on the war, and placed the disposal of it at the discretion of Governor Spotswood. They also appropriated six hundred pounds to be applied to the purchase and immediate transmission of blankets and clothing for the Carolina troops.

While these matters were in progress in the neighboring provinces, Pollock was not idle. He had an interview with Tom Blunt, head man of the Tuscaroras, and some of his chiefs. They came (probably with the knowledge of the rest of their tribe, who were not ignorant of the expected help from Virginia and South Carolina) to induce the president to consent at once to a cessation of hostilities, and the restoration of trade. Pollock saw through their motives, and knew that if the succors from Virginia and the south were prevented from coming, he had no security that the Indians would remain peaceful for a single day. He therefore absolutely refused to listen to the proposals for peace, unless Tom Blunt would engage, as a preliminary on his part, to bring to him Handcock, the leader of the hostile Indians, and the scalps of six others who were known to have been uncommonly active in the massacre. Blunt promised to do so, and asked ammunition for that purpose. The president refused to supply him, unless he would first bring him twelve hostages from each of his towns or forts. To this also

[1] Pollock MSS.

Blunt agreed, and left with a promise of returning on a certain day to fulfil his engagements; and engaged then to go with Gale and Knight, the agents of Carolina, to see Spotswood, in Virginia.

On the day appointed, Blunt came with a few of his men, and said one of his followers had seen Handcock on Pamlico River, but with so large a number of his adherents that he could not then secure him; that he was, however, going soon with a large party in quest of him; that he would persuade Handcock to hunt with them, and thus get him alone, when he would seize him and bring him to the president, after which he would go to Virginia.

Of course Pollock was disposed to put but little confidence in a savage who thus, unblushingly, avowed his purposed treachery toward a kinsman and a countryman. But he saw that it was necessary to act with great caution. He had a delicate business to manage. He was well aware of the policy of keeping the Tuscaroras divided, and preventing Tom Blunt and his party from adding to the strength of the enemy. Whatever, therefore, might have been his disgust for, and distrust of, this lying savage, it was indispensable to conceal it, lest the Indian, finding that he had nothing to hope for or gain from the whites, should immediately join his men to those of Handcock.

At last, after some days, the negotiation was completed between the president and Blunt, on the 25th of November, 1712. Preliminary articles of peace were entered into by Blunt and five chiefs who were his retainers. By these they engaged, first, to make war against the Cotechneys (in Greene county); the Cores (in Craven and Carteret); the Neuse and Bear River Indians (also in Craven); and the Pamlicos on Tor [Taw] River, and not to give quarter to any individual of these tribes who was over the age of fourteen years; and when these were destroyed, they further engaged to join the whites in an attack on the Matchapungos.

Next they engaged to surrender all the prisoners, arms, horses, and negroes that had been taken from the English (all *stolen*), and to forbear hunting near the plantations, without leave first obtained; and, with leave, in no greater number than three in one party; and to relinquish entirely all claim to the lands on the south side of Neuse River, and below Cotechney and Bear creeks, on the north side of Pamlico River.

They further bound themselves, after a general peace, to pay such a tribute as should be agreed on, and that no individual injury should be the cause of general hostilities, but should be examined into and redressed equitably, by persons appointed for that purpose.

They also bound themselves to deliver to the president, at his residence, before the next full moon, six of the principal women and children from each of their towns, as hostages for their faithful fulfilment of the treaty.

Finally, they promised to spare no endeavors to bring in alive to some of their towns ten Indians, named in the treaty, who had been most conspicuous in the massacre. These they were to put to death, and that the whites might be sure execution was done upon them, it was agreed that the captors should send two Indian runners to Fort Reading, who should, for their own protection, make a signal by displaying a white cloth and giving two Indian whoops; and should then escort such whites as might be sent from the garrison to see the murderers put to death.

Pollock had managed matters adroitly in securing such terms before any of his allies reached Carolina, though probably their anticipated arrival facilitated his negotiations. Scarcely, however, had these preliminaries been agreed on and concluded, before the men under Colonel Moore arrived; and this compelled him immediately to direct his attention to another object. Moore and his men were on the Neuse. How were they to be fed? The plantations there, and on Pamlico, had been destroyed. There was no food even for the few inhabitants left: they were fed from Albemarle. Pollock saw no alternative but to request Moore to march his men into Albemarle for a time. The primary object of this was their support; a secondary one was to allow some little time to observe how far Tom Blunt and his retainers meant to keep the treaty they had made. If they made war on the Cotechneys, Cores, and others, as they had promised, it would enable the province to direct all their efforts against the Tuscaroras. But none better knew than the president that the occupancy of Albemarle, by Moore's men, was a measure fraught with danger. One thousand savages, unoccupied, and requiring daily food, was a dangerous element to introduce into Albemarle. There was, how-

ever, no alternative; and, as the president expected, it required all Moore's influence to keep the savages within any bounds, and all his own to prevent the people of Albemarle from turning their weapons against these copper-colored allies, rather than against their enemies.

However, the two gentlemen contrived to prevent an open rupture, and waited until the middle of January, 1713, to give Blunt an opportunity of showing his sincerity. At the time just named the whole body took up their line of march, to the great joy of the Albemarle planters, and halted at Fort Reading, on the south side of Pamlico. Here a heavy fall of snow detained them until the 4th of February. The Indians had built a fort near the village of Snow Hill, the county seat of Greene, which they called *Nahucke*. Into this, on Moore's approach, they retired, and here on the 20th of March the colonel laid siege to the place, and in a few days became master of it.

A large number of the Indians was killed, and eight hundred prisoners fell into the hands of the conquerors. Moore lost but fifty-eight men, of whom thirty-six were Indians; his wounded amounted to eighty, among whom were twenty-four whites. The South Carolina Indians, acting precisely as they had done under Barnwell in the previous expedition, secured as many slaves among the captured as they could, and forthwith set out for Charleston; but one hundred and eighty remained with Moore. Small as was this force, Moore, on conference with the president, was determined to keep his force in the settlement. The enemy had received a blow so damaging, that they could not recover from it speedily, and were consequently greatly disheartened. Both the gentlemen knew this, and resolved not to lose their prestige, but to wait their opportunity, and follow up the first blow with another and another, until they forced submission from the savages. One lesson the latter had learned, and it destroyed their confidence. They found that their rude palisade forts afforded them no security.

But the enemy were too much intimidated to afford an opportunity of striking another blow. Such as escaped from *Nahucke* fled to another fort, about forty miles distant, which they called *Cahunke*, but did not dare to await there Moore's approach.

They abandoned the fort: the greater part of them ascended the Roanoke, and finally, leaving the province, joined the Five Nations of the Iroquois, in New York, thenceforth making the sixth.

On the 15th of April the council met, when Colonel Moore, by request, was present. On an examination, it was found that there were in the whole province but eight hundred bushels of corn and thirty-two barrels of meat, while all they could hope to obtain in addition, by the most vigorous efforts, was but fourteen hundred bushels more; and beside this, Governor Craven had written that he was about to dispatch to them two hundred additional Indians. The province, it was evident, could not hope to carry on a new campaign of much vigor; and as the Indians, smarting under the punishment they had received, were willing to make peace, it was thought best to terminate the contest.

A treaty of peace was therefore concluded with the surviving Tuscaroras. Tom Blunt, as the reward of his fidelity to the English, was made king and commander-in-chief of all the Indians on the south side of Pamlico River, under the protection of the provincial government, and a firm and lasting peace was agreed on between him and all the tribes that might be under his authority. Henceforth he was known in our provincial history as *King Blunt*. On his part, he agreed to deliver up to the whites, twenty of the chief contrivers and ringleaders of the massacre, who were to be named by the government. He undertook, also, to pursue and destroy the Cotechneys and Matchapungos, and indeed all the other tribes that might go to war with the English. Finally, he was to attend the next Assembly, and bring three hostages from each of his towns.

The war was now well-nigh over. In April the Matchapungos made an inroad on Alligator River, in the western part of the precinct of Currituck, and killed some twenty of the whites. Colonel Moore sent some of his Indians to protect that settlement, and there was no more trouble in that quarter. When the Assembly met, King Blunt brought in the hostages as agreed on, and the treaty was confirmed by the legislature. The victory over the savages at *Nahucke*, and the treaty consequent thereon, happened at a most auspicious period; for it was found after-

ward that the Five Nations were just on the eve of joining the Tuscaroras.[1]

The war having been thus, in effect, ended, there followed the invariable consequence of all wars, in the inquiry how the expenses it had necessitated were to be defrayed. There was a huge debt due from the province, and no money in the treasury. The plan adopted was to issue bills of credit, as we have explained in our chapter on trade and navigation. This was the *first* emission by North Carolina. South Carolina had previously put into circulation such a currency, and some of the paper had found its way to the northern part of the province, where it was in use for trading purposes. South Carolina furnished also, we believe, in this emission, the *second* instance of a paper currency made by provincial authority in the English plantations in North America. Bills of credit to the amount of eight thousand pounds were now issued by North Carolina, and a law was passed, making these, as well as those already in circulation (by which we presume the South Carolina paper was meant), a tender in discharge of all sums, due on contract, *for rated commodities*. As we have already stated, there was a legal tariff, fixing the value of the principal products of the country, and most of the business of the country was done by barter instead of sale, for there was very little coin in the country. A debt, therefore, payable in "rated commodities," or, rather, not expressly made by the contract payable in gold or silver, might be discharged by the delivery of any of the rated commodities of the province, at the valuation fixed by the legal tariff. And such debts might also now be discharged by the bills issued by the Assembly; but contracts for the payment of *money*, could not be met by a tender of these bills. Martin remarks on this legislation, that "from that day to the present, the experience of our country has not enabled the people to carry on ordinary dealings between man and man without the aid of paper money." However true it may be, that all the silver and gold coin in the world is not enough to supply the world with a sufficiently abundant medium of exchange in business, and that therefore some *representative of the precious metals* is necessary; yet it

[1] We have drawn the facts of our narrative from the original manuscripts of Pollock and Spotswood, and from Chalmers' History of the Revolt, vol. i. pp. 402–404.

must not be forgotten that such representatives are supposed, at least, to rest on a specie basis; and at any rate are required, on demand, to be redeemed with precious metal. But this paper issued by North Carolina was in no sense "*paper money*," nor the representative of silver or gold; it was a paper representative of the value of certain agricultural products only, and therefore with more propriety might have been called "paper corn" or "paper pork," than paper money. And so far from entitling the holder, as a bank bill does, to demand of its makers silver and gold, on their *promise* to pay, it contained no express promise at all, but simply a statement that it should "pass current" for a certain number of pounds or shillings, "within the province of North Carolina;" and finally, as far as we can discover, there was never any legislative provision to make a *bona fide* fund of eight thousand pounds, or any part thereof, in good hard money, to substitute in redemption of this paper trash. A *real* paper representative of coin is not only convenient, but indispensable to the business of the world; but our ancestors, like some now living, seem to have supposed that any paper, purporting to represent silver and gold, was just as good as that which does actually represent it.

There was very little more disturbance from the Indians. Colonel Moore had driven the Matchapungos into the swamps and morasses, and now had the Cores only to subdue. This he effectually did at a spot not far from the site of the present town of Beaufort in Carteret. These two tribes soon after sued for peace, and King Blunt and his few Tuscaroras, who had remained when their countrymen went off to New York, not only were perfectly faithful and quiet, but formed an effectual barrier against the Indians beyond him. Colonel Moore, having thus finished the work he came to do, at the close of which but one hundred of his thousand Indians were still with him, returned by water to Charleston.

During all these troubles which we have been relating, the lords proprietors, though most urgently written to by Colonel Pollock, did, literally, *nothing* to help their province. Had the matter of success depended on them alone, the whites in North Carolina would probably have been extirpated. Governors Spotswood and Craven and Colonel Pollock are the individuals who saved the

property of their lordships, as well as the lives of their people, from utter destruction. It was but another instance of the infatuated blindness of the proprietors, who never meddled with Carolina affairs but when they should not, and never moved a finger when they should. Chalmers says they were uninformed of the deplorable events which were desolating their American possessions. This is an error. We have before us now copies of several letters written both by Governor Spotswood and Colonel Pollock, which leave them without the excuse of ignorance. In one of these the president makes an appeal which ought to have moved them: "The people" (says he) "who undergo these distresses are Christians, the subjects of the queen, and the tenants and vassals of the lords proprietors, venturing their lives and spending their estates in the defence of the province;" and he earnestly implores them "to lose no time in forwarding a supply of arms and ammunition." The arms and ammunition never came from their lordships; but, in January, 1713, they appointed Sir Francis Nicholson, who had long been in America, and was supposed to understand colonial affairs thoroughly, "to inquire into the disorders of North Carolina." Sir Francis Nicholson never came; and, when they appointed him, such were the sad accounts they had heard, that for aught they knew, there was not a white man left alive in North Carolina.

Nothing of especial interest immediately followed the restoration of the province to tranquillity. Such of the inhabitants as had survived the horrors of Indian butchery began to return to their desolated possessions, and the plantations once more indicated the presence of human industry. President Pollock continued to administer the affairs of the province, and aid it, all that he could, in its recovery from prostration. On the 13th of July, 1713, the proprietors commissioned Charles Eden as governor, and on the 28th of May in the year following, he was in North Carolina, and took the oaths which qualified him to act.

The governor's first act was to visit every precinct in the province; he was most respectfully and kindly received in all, and was gratified by the evidences of returning prosperity. He called not, however, the Assembly together, and it was not until February, 1715, that he and the council concluded a final treaty of

peace with the Matchapungos and Core Indians. These two tribes, greatly reduced in numbers, sought peace from necessity only; their animosity to the whites never ceased during their existence. It was therefore but a measure of prudence to watch them closely. The remnants of the two tribes were therefore joined together in one settlement, on lands allotted to them in what is now Hyde county, on the borders of Matamuskeet Lake, and an agent was appointed to reside among them.

And now some little opportunity was afforded to North Carolina to return the kindness of the southern part of the province; though her impoverished condition disabled her from doing much. An Indian war now burst upon South Carolina. All the tribes from Cape Fear to Florida, among which the Yamassees were most conspicuous, entered into a conspiracy to extirpate the whites. The Yamassees had been among the most valuable allies of the whites in the Tuscarora war of North Carolina, and now they were repeating Tuscarora atrocities. Whether what they had seen in North Carolina suggested to them the thought of hostility, we cannot tell; if it did, all we can say is, that it is not the first instance in which allies in a war wherein they had no personal interest, returned home after victory to stir up strife, and shed blood in their own country. Possibly, however, this general uprising may have been instigated by the French and Spanish, adjacent to South Carolina settlements. At any rate, so it was that a Southern Indian war broke out; and now was seen the prudence of the measures that had been pursued with the Core and Matchapungo Indians on Matamuskeet Lake. No sooner did they hear of the outbreak, and see the alarm which it naturally created among the inhabitants of Bath precinct, than they broke forth, and before they could be checked, murdered several whites on the more distant plantations of Pamlico. The governor promptly called out the militia, and a portion both of foot and horse marched to the southward to aid the South Carolinians. The latter were commanded by Colonel Maurice Moore, of the Cape Fear family of that name.

In obedience to the governor's proclamation, the Assembly met on the 15th of November, 1715. Its place of meeting had hitherto, for several sessions, been in the church of Chowan precinct;

but now it convened on Little River, the dividing stream between Pasquotank and Perquimons, in the house of Richard Sanderson, one of the deputies of the lords proprietors.

We have now before us a perfect manuscript copy of all the enactments of this Assembly; and they constitute the material from which we have constructed, in the chapter on "The Law and its Administration," our general view of the character of our legislation during the proprietary period. As we have stated in that chapter, the whole body of the statute law of the province appears to have been revised, modified, amended, and re-enacted, with some additions; so that at the adjournment of the Assembly the whole of the statute law of North Carolina was comprised in the manuscript volume in our possession. Our copy was made to be sent down to the old precinct of Bath, within the limits of which we obtained it, through the kindness of a friend.[1] The Assembly of 1715 ordered it to be printed, but it never was done. For the general character and subjects of the laws, we refer the reader to the chapter of our volume referred to above: it is necessary here to speak of some few enactments only.

It would appear that at some short period anterior to the legislature of 1715 (the precise date we cannot ascertain, but certainly after May, 1714), a town had been incorporated and established in Chowan. It was our present Edenton, so named in compliment to the governor, and in future legislation dignified as "the metropolis."

A new emission of bills of credit was directed, of which the particulars are related in the previous chapter on "Navigation and Trade." An annual tax was laid for the redemption of these.

The Church of England was established afresh; but now the solemn affirmation of Quakers was allowed in lieu of an oath, and liberty of conscience was allowed to all the inhabitants.

A court law was passed, and the judicial business of the province was brought into something like regularity of proceeding.

The common law of England was declared to be a part of the law of North Carolina, where it was applicable.

On the whole, this revised body of laws was creditable to our

[1] Wm. B. Rodman, Esq., of Washington.

forefathers, and quite an advance upon previous efforts. There seemed to be, for the first time, something like an attempt at system. Our researches have led us to compare our early statute-book with those of some of the other English provinces and colonies in America; and the result has been the belief that, *as a whole*, there are none better than ours, while there are some worse.

Toward the close of the session the spirit of faction developed itself in the Assembly, and we are sorry to be obliged to add, that Moseley, who was the speaker of the lower house, the friend of Carey in his rebellion, the opponent of Governor Hyde while he lived, and of Colonel Pollock during the Indian war, was its leader. Moseley was possessed of fine natural abilities, was among the best lawyers of that day, and had many estimable qualities. We are inclined to think that the explanation of some of his conduct, which we cannot conscientiously commend, is to be found in the strength and durability of his personal resentments. He never liked Colonel Pollock, nor those who thought and acted with him. But these were the men who always had the confidence of the government, because their honest loyalty deserved it. Yet must we give Moseley credit for honesty also in his conviction of the administrative impolicy which he sometimes opposed, though we may not share in it. Governor Eden's administration was good, and afforded no excuse to faction. That prejudice may sometimes have warped Moseley's judgment is more than probable; this, however, is a weakness which he shares with most men, and does not necessarily imply dishonesty of purpose. The worst part of his career is his intimacy with Carey, and yet we must not forget that this commenced when Carey was respectable; and Colonel Pollock, in one of his letters, states that he also was one of Carey's companions and friends, until he was obliged to determine between the claims of duty and those of friendship. The latter could not, in his view, justify disloyalty and rebellion.

Moseley and his adherents in the Assembly passed several resolutions censuring the administration of Governor Eden; and appointed a committee, of whom Moseley was first, to represent to the lords proprietors the deplorable situation of the province, and

especially to ask of them to receive, in payment for land and quit-rents, the public bills of credit instead of specie, as they did in South Carolina. The council reprobated these resolutions, as having been passed clandestinely and without communication with them, and as tending to public disturbance and the subversion of authority. The application to the lords proprietors, we may here say, was entirely unsuccessful; they still demanded specie in payment. In the summer of 1715, Eden dissolved the Assembly by proclamation.

It was about this time, or a year later, that the English settlements in America were favored with an influx of population, composed of the transported felons of the mother country,—as an act of parliament now designated, specifically, the American colonies as a fit receptacle for English villains. Of this, the particulars may be seen on a previous page, in the chapter on "Agriculture and the Industrial Arts."

A change was also made in the position of King Blunt and his Tuscaroras. They had been settled after the war on Pamlico River. Their number was small, and their situation exposed them to attacks from the Indians south of them. By an agreement between them and the governor and council, a treaty was made on the 5th of June, by virtue of which they abandoned the lands on Pamlico, and another and better tract was granted to them on the Roanoke, in the present county of Bertie. In consideration of this, they formally relinquished all claim they had to any other lands in the province, and settled themselves on the Roanoke. Finally they joined their countrymen in New York; but their descendants still retained the title to the lands granted to them, regularly collected their rents by their agents, were protected and sustained by the legislature in their just claims, and when obliged, in some instances, to resort to the courts of law, a solemn adjudication of the highest tribunal in the State was made in their favor;[1] so that they were never robbed of one foot of their lands; and though their title is now extinct, yet it was all bought and honestly paid for at full value. There is not a State in the confederacy that has dealt more honestly with the natives than North

[1] See *Sacharusa & Longbow* v. *Heirs of Wm. King*, 2 Car. Law Repository, p. 451.

Carolina; and, with the exception of the unhappy war of 1711, into which the poor savage was deluded by designing and bad men, not one in which more uniformly amicable relations subsisted between the whites and Indians than in North Carolina.

This was the period in which occurred the piratical depredations of which we have spoken, under the head of "Navigation and Trade." It was in 1713 that *Teach*, or "Blackbeard," was captured and slain by Maynard. This noted pirate, whose *sobriquet* is familiar even yet to the children living on the coast side of the State, and whose supposed buried hordes of gold have imposed on the credulity and tempted the avarice of many a company of midnight diggers, who never used the Bible, perchance, except as a magical talisman to protect them from Satan in these dark researches, was born in Bristol, and served first in a privateer fitted out at Jamaica, during the war of England with the French and Spaniards, which ended in 1713. Here he distinguished himself by his daring courage. As early, however, as 1706, he became a pirate in association with one Hornsgold, and cruised between New Providence and the continent. Having taken a sloop, Hornsgold gave him the command of the prize; and soon after he fell in with a large French Guineaman, bound to the island of Martinique, which he captured. He armed her with forty guns, and transferred to her his flag, giving her the new name of "Queen Anne's Revenge." This was the vessel he was accustomed to take into Beaufort harbor; and it is to her entry, probably, an old writer of 1731 thus alludes in the following passage. After saying, "I have never been in North Carolina, except in *Topsail Inlet* and on the banks of *Cape Fear* River," thus showing us how far he could speak from personal knowledge, we meet with this statement: "There is only one very good harbor in all this country, that is *Topsail Inlet;* yet so it has happened, whether from the ignorance, oversight, or neglect of all the governors hitherto sent there, I am not able to determine, that this fine harbor, *which is capable of receiving a ship of forty guns*, and of containing all the ships in America, is seldom or ever mentioned: that it has little or no trade would seem incredible; and though it hath been neglected or unknown to some, I foresee that it will be the principal port; the entrance into it being less difficult than into *Cape Fear*, and

more properly situated."[1] After quite a long career of piracy, Teach met his fate in Pamlico Sound, in the encounter with Maynard, already related.

Carey's adherents were still to be found in the province, and still were opposing the lawful government. At the close of the year 1713, an act was perpetrated by Moseley and Colonel Maurice Moore, which a few years before would unquestionably have been the commencement of an open revolt. That it was not so now, leads us to infer that time and experience had taught the people some useful lessons; and that they were not quite so ready now to rebel, because they plainly saw that Carey and their other leaders had, after all, gained nothing by their insurrection. Rebellions generally cease to be popular if they are not found to be profitable. At any rate, those engaged in the first, if they gain nothing, are apt to be chary of embarking in the second. The majority of rebels engage from the hope of plunder. We speak of wanton insurrections. Very good and true men may join in resistance to tyrannical oppression and lawless disregard of their rights: such men will persevere in resistance. But Eden's government really offered no apology for insurrection.

Moseley and Moore forcibly possessed themselves of all the public papers in the office of Lovick, the deputy-secretary. Governor Eden had them both instantly arrested, and called a meeting of the council: this body approved of his conduct, and held the accused to bail. They were afterward indicted and tried by the general court, when Moseley was convicted, fined one hundred pounds, deprived of his license as an attorney, declared incapable of holding any office under the government for three years, and ordered to give security for his good behavior for a year and a day. Moore pleaded guilty, and was fined five pounds.

The reader will not have forgotten the discontent created in South Carolina by the conduct of the governor, Johnston, and the consequent sending of an agent to England to procure redress for the inhabitants. The mission was so far fruitless that the people obtained no relief, and the exasperation against the proprietors was, consequently, very great. But this was not the only cause

[1] The Importance of the British Plantations in America: London, 1731, p. 71.

of dissatisfaction. The proprietors, influenced by Trott, who had but just returned from England, had yielded so far to his representations as to give him an absolute veto on the legislation of the province, by his refusal at any time to attend a meeting of the council; for the governor and four councillors were forbidden to pass any bill into a law, unless Trott were present as one of the four. There were also other proceedings of the infatuated proprietors but little less offensive. The country very soon sent Boon and Berrisford to England to seek redress; but they had been obliged to return without obtaining it.

An association was now formed, the avowed purpose of which was to overturn the proprietary government. A favorable opportunity soon presented itself. Governor Johnson became involved in some contest with the Assembly, and unable to bend them to his purposes, dissolved them by proclamation, and went into the country. When the marshal appeared before the Assembly to read the proclamation, the house ordered it to be torn from his hands. The standard of revolt was instantly raised. The house elected Colonel James Moore, of Tuscarora war notoriety, to be chief magistrate, as *governor for the king;* they also appointed a council for him; and as the lower house was already organized and in session, the government went on, almost as if nothing had happened. Johnston, indeed, made bold but unsuccessful efforts to regain his authority; the *people*, however, were against him, and he finally relinquished his attempt. It was a bloodless yet most effectual revolution, and the King of England had the right of sovereignty in South Carolina, by the will of the people of South Carolina. The lords proprietors never exercised it more. Their day was over there. The attorney-general sued out a *scire facias*, by instructions from higher authority, and claimed that the charter was forfeited. In September, 1720, Sir Francis Nicholson was commissioned as the *royal* governor of *South* Carolina. This name, which had latterly been applied, in some instances, to the southern part of the province, by way of distinction merely, now became its lawful title; and henceforth it has no connection with the history of the northern part of the territory, as part of the ancient province of Carolina, granted by the charter of 1665. The act of the South Carolina people had effectually divided the prov-

ince into North and South, to be administered henceforth by distinct and dissimilar authorities.

This noiseless but most important change, which brought the southern portion of the province under the direct government of the crown, was to the thoughtful but a foreshadowing of what must, ere long, inevitably be the condition of the northern part also. But at present, the authorities of North Carolina were not ready to imitate the example of the south. Governor Eden, whose authority came from the *proprietors*, had of course no motive to run the risk of being superseded by some one else, to be appointed by the crown; and his Assembly was not, like Johnston's, in session, and ready to tear up his proclamation of dissolution. When, therefore, news reached him of the movement in South Carolina, he called together the council, whom he probably knew to be, like himself, loyal to the proprietors, and having obtained from Chief-justice Gale, who had just returned from the south, full particulars of the proceedings there, the council "came to a resolution that an address should be prepared by the secretary against the next sitting of the council, to assure the lords proprietors that this board utterly detests the proceedings of that province, and that nothing shall be wanting, in their power, to propagate their interest here, and that they are entirely easy and satisfied under their lordships' government, and will always use their utmost endeavors to maintain it."[1]

The reaction which follows after strong excitement probably favored these proceedings of Eden and the council. There was more of safety and comfort under existing circumstances than there had been in the factious times of Carey, or during the horrors of the Indian war; and the people, reduced both in numbers and means, wisely concluded that even some grievances were more tolerable than the very doubtful remedy of rebellion. Beside, what was more significant, there was no certainty that rebellion could find a leader. Carey was gone, or, at any rate, does not appear from any of our records to have been then in the province; and Moseley, who had been dealt with by the law, had lost both revenue and that influence among the people which belongs

[1] Journals of Council, Feb. 22, 23, 1719.

to the successful advocate, by having been silenced in his profession. But we are willing to think that he was influenced by other causes than these, in resolving to be a quiet subject. On the records of the council of the 4th of April, 1720, we find him submitting a petition to that body, acknowledging the offence for which he had been convicted, censuring himself, praying remission of his sentence, and "promising for the future to behave himself with the greatest care and respect imaginable."

The council did not immediately grant his prayer, and, indeed, never permitted him, professionally, to undertake any new causes; but, for the sake of his clients only, to try those already commenced. The effect upon the people was doubtless salutary, when they thus saw such a man as Moseley, notwithstanding all his ability and influence, foiled and defeated in a contest with the law. Affairs, therefore, remained tranquil during the residue of Eden's administration.

The governor died on the 26th of March, 1722, at the age of forty-nine; and from the public records we infer that he left no descendants or heirs in the province, but was, only a short time before his death, contemplating a return to England, and for this end was endeavoring to dispose of his property in North Carolina. We find, on the council minutes, instructions from the lords proprietors to that board to investigate a claim which had been made, by memorial to their lordships, on behalf of Roderick Lloyd of London and Anne his wife, who is alleged in the memorial to be the only sister and heir-at-law of Governor Eden. The memorialists state that Lovick, secretary of the province, had possessed himself of the deceased governor's property, under pretext of a pretended will, and pray their lordships to order an examination into this conduct of their secretary. We have also Lovick's reply before the council to this statement, setting forth the fact of the will, lawfully made, an offer to have it subjected to re-probate before the council, and the disposition that had been made under it of the testator's property. We have also the action of the council after a hearing, but in no document on record do we find an intimation even that Anne Lloyd was not the heir-at-law of Eden, because of his having left lawful heirs in Carolina.[1] We have hence inferred

[1] Council records of 1724.

that he died childless.[1] His wife died in 1716, at the age of thirty-nine, six years before him, and both lie interred at what was known as Eden House, on Salmon Creek, in Bertie county, where a monumental stone still marks the spot, informing us that he "governed the province eight years, to the great satisfaction of the lords proprietors, and the ease and happiness of the people." It adds, what we think is true if applied in comparison with the past, "that he brought the country into a flourishing condition."[2]

On the 30th of March, 1722, the council met, and once more unanimously elected Colonel Pollock, Lord Carteret's deputy, as president and commander-in-chief; he continued in office, however, but a few months, as on the 30th of August, in the same year, he was gathered to his fathers. During his short administration of five months, the most memorable event we have to record is the establishment of another town in the province, and the consequent creation of another precinct. On the 4th of April, 1722, an instrument from the lords proprietors was read in council, by which the spot on which the town of Beaufort now stands was made a free port for entering and discharging vessels; and as the inhabitants of Core Sound were now increasing, and could not, without great inconvenience, attend the precinct courts on Neuse River, a new precinct was created adjacent to Craven, to be known as Carteret, confining the former to the settlements upon Neuse, Trent, and their tributaries, including Bear River, and allotting to Carteret all the lands on Core and Bogue sounds, and on the waters running into them, and extending to the southward indefinitely, or rather as far as North Carolina extended. This included what is now New Hanover. There were, therefore, now four towns in the province—Bath, Newbern, Edenton, and Beaufort, though all were very small.

It is pleasant also to be able to record that the proceedings of the council show the last two public acts of President Pollock to have been marked by a considerate, equitable, and humane treatment of the Indians around him. The one was designed to oblige a white man to do justice to a native whom he had wronged; and the other was to direct that a guilty Indian, who had committed a felony by which the president was himself the sufferer, should

[1] We had always supposed otherwise, and think there may be some error here.

[2] Wheeler's History, p. 40.

have exactly the same trial that a white man would under similar circumstances; and, moreover, that King Blunt and some of his principal men should be present, and see that justice was impartially dispensed.

The death of President Pollock, following so soon upon that of Governor Eden, was unfortunate for the province. He had lived in it for many years, had long been the deputy of Lord Carteret and his father, understood thoroughly its advantages and disadvantages, knew most of the inhabitants personally, exercised a strong and controlling influence on popular opinion, had ever been on the side of law and order, and withal was a judicious and honest adviser. The loss of such a man in a community like that of North Carolina in his day, could not but be felt, and we think we hazard nothing in saying that, though worthy men survived him, there was not any that could exactly fill his place, for none had passed through so long an experience of the province.

On the 7th of September, 1722, the council appointed another of their body, William Reed, to succeed President Pollock; and a few weeks after his election, on the 2d of October, he met the Assembly in Edenton. All was tranquil throughout the province; the settlements on the Neuse, near Newbern, had increased in number; additional inhabitants were finding their way to Core Sound and the adjacent region; the Bath and Pamlico settlers were also prospering, and Albemarle was from time to time furnishing the region south of it with emigrants. Stragglers began once more, for the third time, to settle on Cape Fear; vessels from the West Indies and the northern colonies were oftener seen in the waters of the Sound; the natives were too few in number and too peaceable to create any alarm; the people had an abundance of worldly comforts, and the province, probably, was never before as flourishing and prosperous. These circumstances gave the legislature, at this session, and that of November, 1723, time and opportunity to direct attention to many necessary improvements. They ordered the construction of roads to unite the various settlements; they directed the issue of new bills of credit, to the amount of twelve thousand pounds, for the purpose of redeeming those that were in circulation; they established fixed localities in the several precincts, and ordered the erection at them

of suitable public buildings for offices and courts of justice. In Chowan precinct these were ordered to be placed at Edenton; in Craven, at Newbern; for Beaufort and Hyde, it was thought one locality would suffice, at Bath; in Carteret, Beaufort was the spot designated; in Perquimons, Phelps' Point, at the mouth of the Narrows; and in Currituck and Pasquotank, the justices of these were directed respectively to select proper sites. Bertie, on the west side of the Chowan, was made a precinct, and the seat of justice was fixed at a place known by the Indian name of *Akotskey*. All these arrangements contributed greatly to the convenience of the people.

As all was now in a state of peace, the legislature thought it wise to improve, if they could, the facilities for commerce. The tonnage duty of ammunition, which had been imposed in 1715 upon all vessels entering the waters of Carolina, was therefore now directed to be paid—not in powder, lead, and flints—but in money; and this was to be employed in placing and maintaining beacons in the channels at Ocracoke and Roanoke inlets.

On the 15th of January, 1724, George Burrington, who had been appointed by the lords proprietors to succeed Governor Eden, opened his commission at Edenton, and took the oaths. And here was another illustration of what we have before so often had occasion to remark, that the proprietors scarcely ever moved but to do harm to Carolina. In truth, they were so utterly indifferent or ignorant, that among the councillors designated by name to administer the oath to Burrington as governor, we find on the records that of Colonel Pollock, who had been in his grave since August, 1722. Worse than this, as we shall see presently, they did the same thing in April, 1725, a year afterward, when they appointed Burrington's successor. These evidences of gross inattention, however, were of minor moment compared with the more flagrant wrong committed on North Carolina in sending such a man as Burrington to govern her. They must have known his previous history. His early career had certainly not qualified him for the responsible position in which they placed him. It was a wicked trifling with the happiness of ten thousand people (for such was now the number of inhabitants in the province), to place them at the mercy of ignorance and profligacy combined.

What could be expected of a governor of whom the story soon reached Albemarle from England, that he had actually been indicted, convicted, and imprisoned in London, for *beating a woman!* and she helpless and old? At the time Burrington came to Carolina all was prospering, and no governor that ever landed in the province had a fairer opportunity than he had to endear himself to the people and advance their happiness. He was equally indifferent to their love and to their comfort. He very soon made enemies of Reed and Lovick, both of whom spoke of him with undisguised contempt, and when he complained, stated that they were ready to prove what they had said.

Burrington's instructions, which are now before us, directed him to act with a council, consisting of twelve individuals, who were also to compose the upper house of the legislative body. He had power, but only with consent of the other members of the council, to suspend one of their number; and, with the same consent, provisionally to fill vacancies. He was authorized to assent to the laws that might be enacted, provided a clause was inserted in them, that they should not go into force and be executed, until they had been approved by the lords proprietors: a stupid proviso, in perfect harmony with the usual blundering management of their lordships, and practically almost equivalent to a prohibition of legislation; for frequent opportunities of communicating with England did not exist; and beside, the lords proprietors were not remarkable for the prompt dispatch of business. In a time of trouble, like that of the Tuscarora war, for instance, obedience to such a proviso would have insured the ruin of the province. He was also ordered to redeem and cancel all the paper currency that had been issued by the province; and to obey the law passed in the sixth year of Queen Anne's reign, for regulating the value of foreign coin in the plantations of America.

At the time of Burrington's administration, Christopher Gale was chief-justice, James Stanway, attorney-general, John Lovick, secretary of the province, Edward Moseley, surveyor-general, Arthur Goffe, receiver-general, John Dunstan naval officer, and Henry Clayton, provost marshal; and the whole revenues of the province did not equal the annual expenses.

The chief-justice did not long continue to hold his office. By

the instructions to Burrington, it appears that the council were ordered to appoint two assistant justices, and they made choice of Adam Cockburne and Edmund Gale. In the autumn of 1724. Martin states (though we have not been able to find any authority from the proprietors for the appointment) that Thomas Pollock, the son of the late president, was appointed chief-justice, and William Dunning, Cullen Pollock, Isaac Hill, John Alston, and Robert Lloyd were made associate justices.[1] That the change above stated was made, however, by Burrington's appointment, does appear from the records of Albemarle criminal court of the date of 1724.[2] At the same time William Little, according to Martin, succeeded Stanway as attorney-general. This is erroneous; Little succeeded Thomas Boyd in 1725. Boyd succeeded Stanway.[3] By the same records it also appears that Gale was again chief-justice in 1725, with Edmund Gale and John Alston as associates.

The subject of the boundary line between Virginia and Carolina formed one of the particulars of instruction to Burrington, and received some attention during his administration. The history of this, however, has been presented in the first chapter of this volume on "Exploration and Settlement."

Martin states, that probably no legislature was convened during Burrington's short administration of fifteen months; at any rate, he says, "no record of any of their proceedings has been preserved."[4] There is here a departure from his usual accuracy in the statement of such facts as are founded on documentary evidence. We have before us, from the original records in the office of the Secretary of State, bearing date April 17th, 1724, "the address of the lower house of Assembly of North Carolina to the Honorable George Burrington, Esq., governor and commander-in-chief of North Carolina, and to the honorable council." The address represents that it appears to the lower house that most of the lands in Albemarle county had been taken up, and that the growth and increase of the government was much obstructed by reason of the proprietors' instructions concerning the sale of their lands; that, consequently, many who had come into the province for the purpose of settling therein, had been obliged to relinquish their pur-

[1] 1 Martin, p. 296.
[2] MS. records of Albemarle Criminal Court.
[3] Records, July 27, 1725.
[4] 1 Martin, p. 296.

pose and leave it, and that others were daily removing, from want of ability to comply with the proprietors' terms of sale. Those terms were payment in "sterling money of Great Britain," and to obtain specie was impossible: it was not in the country. The lower house, therefore, suggested a respectful memorial to the proprietors on the subject; and that, in the mean time, and until their lordships could be heard from, the governor and council should give orders, that persons wishing to settle in the province might enter, survey, and occupy any vacant lands, upon the payment annually of a rent to be agreed on by the council, until their lordships should declare how the purchase money should be paid; and on that declaration, the occupant should have a limited time allowed him, within which to determine whether he would purchase on the proprietors' terms. This was signed officially by the "speaker" of the lower house, and sent to the governor and council. The upper house entirely concurred in opinion with the lower, and gave orders to the surveyor-general accordingly, to survey for new-comers any of the vacant lands in Bath county, and fixed the rent at three shillings for each hundred acres.

Burrington seems to have made himself an object of contempt to the respectable portion of the inhabitants, and was probably unwilling or afraid to remain for that reason. At any rate, at a period when certain individuals of character had been ordered by the council to appear before them and answer for disparaging remarks they had made concerning the governor, before their appearance, Burrington (and, as it would seem, very abruptly) announced to the board his intention to visit the southern parts of the province, and the possible extension of his journey to Charleston, and nominated Moseley to preside in the council and transact the public business during his absence. The council appointed Moseley, who took the proper oaths of qualification. We find the governor afterward, in the latter part of May, 1725, in North Carolina, complaining of the abusive and contemptuous language which Lovick, the secretary, had publicly used concerning him; and on the same day the council received intelligence of the appointment of his successor, Sir Richard Everard, which had been made on the 7th of April, 1725, with instructions to administer the governor's oath to him.

On this visit to the Cape Fear, Burrington purchased and settled a plantation five miles below the old town of Brunswick. The creek on which the lands lay was called Governor's Creek, and retains the name to this day. On this plantation he subsequently lived several years.[1]

On the 17th of July, Everard produced his commission, and was qualified at Edenton, Burrington still remaining in the province. If Burrington was dissipated, Everard was rash; if the one was profligate and eccentric, the other was self-important and weak. The reader may form an accurate estimate of both by turning to the preliminary documents which precede our chapter on "The Law and its Administration." He will there find, as might have been expected from two such men, that they very soon quarrelled. The vulgar blackguardism of the ex-governor sought food for the gratification of its malice, where unfortunately it was abundant enough, in the ridiculous inflation of the baronet. Burrington declared that Everard was an ass, far inferior as a ruler to Sancho Panza.[2] Fortunately neither of the men had power to rally many supporters of influence and standing, to form factions, and once more light the torch of civil war. Both had their followers, but they were mostly of that class whose power is that merely of the individual bully; and in the hostile encounters and tavern brawls of such as these, Everard was undignified enough to be personally engaged.

Sir Richard met his first legislature at Edenton on the 6th of November, 1726. The enactments made were of little importance and few in number. In fact, the most important measure in Everard's administration was the running the boundary line between Virginia and Carolina, of which the history has already been given in our first chapter.

The last Assembly that ever convened in Carolina, under the government of the lords proprietors, met at Edenton on the 27th of November, 1728. This body separated the precincts of Hyde and Beaufort in their court system, and directed a court-house to be built in the former county where Woodstock now stands. The county of Tyrrel was formed from parts of Currituck, Pasquotank,

[1] Davis' Address before the Lit. Societies of the University in 1855, p. 18.

[2] Vide ante, p. 127.

Perquimons, and Bertie. The precinct of Carteret was divided, and as Cape Fear River was now partially resettled, the county of New Hanover was created. There was one other act which some may deem a suitable finale for the sixty-six years of blundering misrule on the part of the proprietors. This authorized the emission of forty thousand pounds more of the bills of credit. The proprietors were at that time contemplating the relief of themselves from all further annoyance by disposing of the province, and to them it was of no moment whether the paper trash amounted to forty or forty thousand pounds. They never meant to redeem a penny of it.

The British parliament looking only to the trade of the colonies as a source of profit, had made the discovery that it was far better for English merchants that the crown should have the entire control of the colonies. Accordingly, in 1728, the House of Commons presented to the king an address, in which they besought him to buy Carolina of the proprietors, and offered, in the next aid voted by parliament, to include the purchase money required to pay for it. The king was willing enough to buy, and negotiations were opened. Seven of the original shares of the proprietors were found to be in hands willing to dispose of them; the remaining eighth was owned by Lord Carteret, and he was not willing to sell his interest which had come down to him in direct descent from the original grantee, Sir George Carteret. The crown bought the remaining seven, and in the conveyance, the proprietors surrendered all property in the soil, all their franchises under the charters of Charles II., and all rights of government. The consideration paid by the crown was two thousand five hundred pounds for each of the seven shares, and an additional sum was allowed to the owner or owners of each share for arrears of quit-rents due from the planters. And so ended the proprietary government of North Carolina.

Hawks' History of N.C. Vol. II.

CHAPTER SEVENTH.

MANNERS AND CUSTOMS,

AND GENERAL REVIEW.

1663—1729.

NARRATIVE.

CHAPTER VII.

MANNERS AND CUSTOMS, ETC.

We fear that our previous chapters will not have accomplished one of the purposes for which they were written, if they have not enabled the reader, before reaching this page, to form for himself a tolerably accurate picture of the general manners of the different classes that composed the society of the proprietary times.

We say different classes, because the artificial distinctions of society were prominent enough. There were educated men in the province, some of whom were natives, who had been sent in early life for training in English schools and universities. They had returned about the period of incipient manhood, and brought with them the refinements and habits belonging to the class of educated gentry in England, with which they had so long associated. There were also those who, not native, had come, in maturer age, with similar tastes and correspondent cultivation. Some of these were allied also to families of rank in England, and added pride of blood to the courtesies of gentle breeding. There was material, therefore, for a quasi aristocracy, which however was not numerous. Next there was a class which, by shrewdness, thrift, and superior intelligence, had contrived to become rich, while the masses remained poor; and who, rising gradually as their accumulations increased, had become large landed proprietors, in possession of some of the best bodies of land in the country, the future value of which they had the sagacity to foresee when they came to the province in its infancy. They managed to make their possessions profitable, and these probably had the largest command of money or credit: the credit was sometimes European, founded on their

balances in the hands of their London agents. It was out of this class that the lords proprietors usually selected their deputies, thus making them members of the council, and elevating them to a level with those who constituted the pseudo-aristocracy to which we have referred.

The next class who were freemen, was composed of the ordinary and uninstructed emigrants who, in England, would have belonged to the peasantry or agricultural laborers, some of whom had voluntarily emigrated, and were employed on the farms, where they labored for wages. There were, however, others among this class whose crimes had reduced them to a temporary slavery: these were the transported convicts, male and female, who had been brought in and sold to the planters. The condition of these was more wretched than that of any other whites in the province. Entering upon their toils with the stigma of infamy on them, they were naturally objects of suspicion and vigilance, subjected to the punishment of the lash, at the discretion of the overseer or master, and doomed to hard work, hard fare, and hard lodging. That skilful master in fictitious narrative, to whom we have before alluded, De Foe, presents, in his story of "Colonel Jack," a picture of convict life in the colonies, which, we doubt not, is as truthful as it is sad. This bondage possessed, however, one redeeming feature—the slavery was temporary; and at its close, the emancipated bondman was furnished with both land and tools, and might become the founder of a new family and a new character. If his conduct as a servant was marked by submission and fidelity, his burdens were somewhat lightened in his progress to freedom, and the sympathies of a generous and pitying master were sometimes enlisted, in his encouragement and aid, when he began the hard, but not hopeless, task of obtaining a new name, and acquiring property on which he could look without the humiliating consciousness that he had obtained it by crime. It is of little consequence to inquire what families, now deservedly respectable, in the old provinces where convicts were most numerous, had an origin as humble as this. That some did, is certain. But history shows us that even of royal and titled masters, few can look back without a blush upon the founders of their now proud houses; for they were but thieves and plunderers on a broader scale: and it is

to be remarked that there is more true nobility in the virtue which manfully and successfully strives to retrieve a ruined character, by upright conduct, than all the blazonry of heraldry can give. He who, having once swerved, finds his way back to the path of truth, honor, and rectitude, shows higher qualities of humanity than he who was never tempted, and therefore never fell. To repent of wrong and amend it, is harder than to avoid wrong in the beginning. There is dignity in penitence, while it is but prudence to avoid temptation.

Among the upper classes that we have mentioned, there was occasional intercourse—frequent it could not be in the condition of the country. There was for a long time nothing like a town to invite to a permanent residence, or attract the visitor from a distance. The general court and the Assembly for many years had no fixed place of session. Sometimes the meetings were at the private residence of one councillor, sometimes at that of another. The councillors saw each other most frequently, simply because of the necessity which more frequently brought them together; but the records of the council show that the absence of members was often such, that it at last became necessary to impose as a penalty the forfeiture of the position. Communication by other modes than that of personal interview, could be had by private messengers only, to whom their respective masters intrusted letters. There were no postal arrangements except during the period of the Indian war, when prompt communication was all important. The plan, then enforced by an act of the Assembly, was the simple one of transmitting, by a special messenger, dispatches to the proprietor of the nearest plantation, whose duty it was made by law instantly to forward, by a new messenger of his own, the papers to his nearest neighbor who lived in the proper direction; and he, furnishing a new courier, sent it on one stage further in its progress, and thus it travelled until it reached its destination. There was a sad want of intercourse.

And if this difficulty was felt by their betters, it was still more felt by their servants and laborers. No white bondman could leave his master's lands but under such restrictions as amounted to a virtual prohibition; and no hired laborer could come and go as he pleased. Sunday was a day of rest from toil, and one might

hastily suppose that, on that day, the common people would mingle together at the places of worship. Alas! for long, long years there were no places of worship. They never amounted to more than some half dozen, of all sorts, while the proprietors owned Carolina; and when their unblessed dominion ended, there was not a minister of Christ living in the province. The wild, rollicking youth, who despised the plantation work, and lived by hunting, and the wilder Indian, were almost the only individuals who kept up the usages of polite "society," by frequent visiting. They roved over the country, traversing the woods from plantation to plantation, and probably saw more of the inhabitants at large than any one else in the province. The Quakers, indeed, met at their weekly and monthly meetings, but there *all* were Quakers: they intermingled no more than others did with the inhabitants generally.

As to the condition and habits of the higher classes, an inspection of the ancient wills and inventories of that day reveals the fact that there was more of wealth, and of the usages of refined society, than has hitherto been supposed. Many of these old documents show us that in the wilds of Albemarle were to be found, in many families, an amount of silver plate, for instance, and other tokens of a luxurious refinement, which indicate the probable existence of a social position and habits not expected in the wilderness. The wealthier classes, no doubt, had at times their festive meetings, and lived in the interchange of mutual entertainments. The allurements of good cheer and the pleasures of social intercourse were temptations strong enough to overcome the difficulties of reaching each other's houses. The hospitality of the country was boundless, and this characteristic of early times still continues. There is not on earth a more hospitable people than those of North Carolina. To provide a feast in the early days of our colonization was not difficult. The meats, abundant in their variety and excellent in quality, were readily furnished by the cattle, the swine, and the sheep, which found sustenance, almost without the aid of man, in the products of the forests over which they roved. The Indian hunter, usually attached to the households of the wealthy, added to the supply, and the buffalo, the elk, the deer, with the smaller edible quadrupeds, were all in

the country. The waters teemed with fish: each planter had his own vegetable garden; fruits, both cultivated and wild, were not wanting; the never-failing Indian corn furnished many varieties of bread, and the rum and sugar of the West Indies, which were brought by their own craft and the New England traders, afforded materials for toddy; while an infusion of the juice of the lime, derived from the same quarter, converted it into punch, to which, by the way, we have discovered, from various little incidents, casually mentioned, that our bibulous forefathers had no unconquerable aversion. The good old worthies seem to have preferred it to wine. Here were abundant materials to furnish forth a lordly feast, and our respected ancestors were much too wise not to enjoy them. How much of formality or state attended on one of these entertainments among the Albemarle aristocracy, in the beginning of the eighteenth century, we cannot certainly say; but probably there was all the display that conscious dignity could exhibit. The laws of the period incidentally inform us that some of these grandees had servants in livery; and it is therefore not unlikely that the proprieties of a courtly etiquette were imitated (we will not say caricatured), and that some convict lacquey from London may have played off the same airs in the log house or clapboard tenement of Albemarle, which had purchased for him celebrity in the dining-room of my lord in England.

As these upper classes had constant communication with the mother country, it is reasonable to suppose that their apparel, for great occasions, came from London; and, as we know the English costume of the times, we can hardly be said to draw on imagination at all for the picture which the gentleman of that day must have presented at one of these entertainments. "Square-cut coats and long-flapped waistcoats with pockets in them, the latter meeting the stockings drawn up over the knee so high as to entirely conceal the breeches, but gartered below it; large hanging cuffs and lace ruffles; the skirts of the coats stiffened out with wire or buckram, from between which peeped the hilt of the sword; blue or scarlet silk stockings, with gold or silver clocks; lace neckcloths; square-toed, short-quartered shoes, with high red heels and small buckles; very long and formally curled perukes; small three-cornered hats, laced with gold or silver galloon, and

sometimes trimmed with feathers," composed the habit of the noblemen and gentlemen during the reigns of Queen Anne and George I., 1702–1727.[1]

But we must not pass by unnoticed the costume in which the wives of the governor and other dignitaries of the province appeared at the same time. At the beginning of the century, the tall head-dress known as the "tower or commode" was still worn: but as this required in its construction the skill of the professional perruquier, we can hardly suppose it ever figured in Albemarle; and fortunately the queen adopted a much more sensible fashion, so that in 1711 the hair was worn clustering in curls round the back of the neck and on the shoulders, and, in the case of her majesty, without powder. This was a fashion alike graceful and easy of adoption. But as a counterpoise to this natural and simple coiffure, the enormous wheel fardingale, or hoop, was introduced. Cherry-colored hoods were also worn, as were scarlet stockings, and black patches were put on various parts of the face. The gowns were flounced and furbelowed, as we learn from Addison, who says, in the Spectator, that a lady in high dress "looked like one of those animals which in the country we call a Friezland hen."[2] A black silk mantua and small muff were also part of the costume of a lady at that day; and no doubt Madam Hyde, who came over about 1710, soon indoctrinated those of the Carolina ladies whose husbands could afford to indulge them in the ever-changing caprices of fashion.

As to the habitations of the better class, they began ere long, after settlement commenced, to aspire to something more imposing than the rude log hut which at first formed the abode of all classes. Framed houses, covered with clapboards and furnished with a brick chimney, were signs of a proprietor above the commonalty. Indeed there may have been, we think there were, some houses entirely of brick, but these were very rare.

The inventories of the estates of the upper classes, with the prices of that day, furnish no bad guide to a picture of the condition of the people. If we take Seth Sothell's estate, for instance, in 1693, we find him possessed of negro and Indian slaves, horses, sheep,

[1] Planche's British Costume, p. 397.

[2] Planche, p. 408. "Friezland hen" has been corrupted into "*frizzled* hen."

and various other articles, the prices of some of which we annex. A negro man and his wife were valued at £40; an Indian woman and her child at £15; an Indian boy at £12; three horses were worth £12 10*s*. A gun seems to have been worth but £1. A hundred sheep are estimated at the value of £40. A pound of nails was worth nearly one shilling sterling; a pound of shot was valued at three shillings, while a pound of powder appears to have been worth just one half of that sum. Until the year 1680, all the accounts seem to have been kept in tobacco; these were changed to a money computation by valuing the tobacco at eight shillings and fourpence sterling for every hundred pounds; a barrel of corn was of the same value. At a period a little earlier, in 1680, we have the inventory of a richer man than Sothel, Captain Valentine Byrd, who was one of the grandees of the time, and here we come upon "fine Holland sheets," and "diaper napkins and table-cloths," and "silver tankards and spoons," "dressing-boxes," "mirrors," "books," "a coach," and the "lignum-vitæ punch-bowl," with a rich account of household articles in the shape of warming-pans, beds and bedding, chairs, tables, &c.—clearly demonstrating that Captain Valentine Byrd was a man "well to do in this world;" and if not very comfortable, had no one but himself to blame, for he had men-servants and maid-servants, negroes, Indians, and white convicts, and lands well stocked and good tenements thereon, all which he left to his wife, who afterward gave both it and herself to the first leader of rebellion, and became "Madam Culpepper."

In an inventory of still earlier date, 1676, we get a description of the dwelling-house of a man of substance: "One framed house, forty feet long and twenty feet wide, with a shade on the back, and a porch on the front, being all sawed work, and all ready framed." This, it must be understood, was the skeleton or frame merely, as yet uncovered; it was worth £7 18*s* sterling. The timbers, it will be observed, were "all sawed," not hewed with the axe merely; and this use of the saw-mill is worthy of mention, for it was not common at that day. The property of Mr. Francis Godfrey, from whose inventory we are copying, certainly indicates the possession of great comfort, not to say luxury, at quite an early period. Beside a considerable amount of silver ware, in the form

of bowls, cups, spoons, &c., we find carpets, mirrors, large-leaved dining-tables, tea-table, bed-curtains, books, gold rings, and various other articles, indicative of a style of living such as we scarce expected to find in Albemarle in 1676, only thirteen years after the settlement was commenced. And when the difference in the value of money at that day and this is remembered, it will be seen that the condition of the upper class in the province was better than has been usually supposed.

The demeanor of the humbler classes toward these wealthy proprietors was marked generally by the deference and respect which, at this day, draws a strong line of distinction between the agricultural laborers and the gentry in England. There was but little communication between them, save that founded on the relation of master and servant, or sometimes magistrate and culprit—in which latter case, we have remarked that the accused, when convicted, was generally handed over to the constable for the discipline of the lash. During the troubles of Culpepper and Carey, however, the people broke loose from their habitual servility, because they had leaders who belonged to the grade above them, and were taught that insubordination was the path to their elevation; but as soon as these rebellions were put down they returned, so far as we can discover, at once to their former state of deferential submission. They were too ignorant and too poor either to originate or prosecute a rebellion.

The condition of the common people, however, was one of material comfort, except in the case of the white convict laborer, whose treatment was severe. In his case the food was coarse, though abundant enough, for, independent of all considerations of humanity, it was not his master's interest to let him starve. But of such of this class as were not working as hired laborers or convict servants, the situation was comfortable enough; in fact the facility with which such an one, by very little labor, made a support, rendered his situation rather too comfortable for his good, as the stimulus of necessity was wanting to prompt to steady labor. He had too many idle hours. He was often hunting in the woods or fishing on the streams and in the Sound, especially if he had no mechanical calling.

As to costume, most of this class were probably clad by the in-

dustry of the females of the colony, where they had family connections; for we read of cloth made by the women, of cotton, of wool, and even of flax, which they converted into garments, sufficient in quantity to clothe the household. But coarse goods were also imported by the planters, for we find mention made of "serge suits for the servant maids," of "coarse kerseys," "tufted Holland jackets," &c., with which the plantation storehouse was wont to be supplied for the slaves and convict servants.

Their log habitations, in our mild climate, with very little care bestowed in stopping the interstices between the timbers with the long moss and a clay plaster, would, as we all know, become very comfortable tenements; while, in the severest weather, an abundance of fuel was to be obtained at their very doors. Indeed their habitations were far more comfortable than, at that day, were those of the poor in London. The picture of that great metropolis, widely different now, is thus sketched by a careful writer: "The greater part of the houses were still sheds of wood, or of wood and brick, the wretchedness of which was only brought into strong relief by stately buildings that here and there intervened; the streets were crooked and narrow, and generally overshadowed by a perpetual twilight, from the abutments overhead, that rose, story above story, until they almost closed upon each other; and being unpaved, they were damp and dirty even in dry weather, and, in rainy, were almost knee-deep with mud."[1]

We know what the amusements were of those in England who corresponded in station to the class in Albemarle of which we are now writing; and perhaps it is not unreasonable to suppose that, making due allowance for difference of situation and circumstances, the recreations of the common people were the same in both countries, especially as in some instances we know them to have been so. Dancing, wrestling, foot-racing, cudgel-playing, nine-pins, shovel-board, quoits, cock-fighting, and frequenting taverns, were certainly among the common sports of the Albemarle commonalty. But they had two amusements unknown to the Englishman of humble station. These were hunting and fishing; and to these we may add a third, which might indeed be pursued

[1] Knight's Pictorial Hist. of England, vol. iii. p. 636.

in England, by some of the lower classes, but it was as a regular calling for wages, while here it was an amusement not too costly for the poor. This was riding on horseback. Hunting on foot, however, we think was most common. And very little of science or rule was there in it. The object was the double one of occupation, and the food the game afforded; and there was no further rule studied than that which the Indian could teach them when he showed them how to deceive and circumvent the instinctive caution of the animal they were pursuing. They learned to imitate the call of the wild turkey, and to arrest the frightened deer in mid-course, by the shrill, sharp whistle, which caused him to pause long enough to be shot, as he stood in his surprise. They knew how to construct the blind of bushes which enabled them to steal unperceived on the wild duck as he fed, or swung silently with his mate on the swell of the gentle wave that broke upon the shore of the bay. They could lure the alligator from his haunts in the muddy marsh or creek by mimicking the whine of a dog on the shore; and were well skilled in many other devices of Indian hunter-craft, which they learned, in the forest, from their red companions.

There was sometimes a want of magnanimity in their mode of pursuing the game. There was no generous allowance of a chance for life afforded to the poor victim. A party sometimes resorted to what was called "fire-hunting." Colonel Byrd thus describes it: "They fired the dry leaves in a ring of five miles' circumference, which, burning inward, drove all the game to the centre, where they were easily killed. It is really a pitiful sight to see the extreme distress the poor deer are in, when they find themselves surrounded with this circle of fire; they weep and groan like a human creature, yet cannot move the compassion of those hard-hearted people who are about to murder them." The generous-minded old Virginian seems, however, to take comfort in the thought that *such* sportsmen occasionally punished themselves: "Sometimes" (says he), "in the eagerness of their diversion, they are punished for their cruelty, and are hurt by one another, when they shoot across the deer which are in the middle." Well does he call it a "massacre in an unfair way."

Lawson presents a picture highly creditable to the general char-

acter of the people; and though, in many particulars, it is probably true, yet we suspect it is somewhat over-colored in its statements as to the male population; for there is little doubt that many of them were inveterately lazy. "Many of the women" (says he) "are very handy in canoes, and will manage them with great dexterity and skill, which they become accustomed to in this watery country. They are ready to help their husbands in any servile work, as planting, when the season of the year requires expedition—pride seldom banishing good housewifery. The girls are not bred up to the wheel and sewing only; but the dairy and affairs of the house they are well acquainted withal: so that you shall see them, while very young, manage their business with a great deal of conduct and alacrity. The children of both sexes are very docile, and learn any thing with a great deal of ease and method; and those that have the advantages of education, write good hands and prove good accountants, which is most coveted, and indeed most necessary in these parts. The young men are commonly of a bashful, sober behavior; few proving prodigals, to consume what the industry of their parents has left them, but commonly improve it. The marrying so young carries a double advantage with it, and that is, that the parents see their children provided for in marriage, and the young married people are taught by their parents how to get their living; for their admonitions make great impressions on their children."

We have now, as we hope, furnished the reader with the means of forming a correct idea of the general condition of the people, and must devote our few remaining pages to a rapid glance at the prominent features of the whole proprietary government, and the practical lessons which they suggest.

GENERAL REVIEW.

In taking briefly a general review of North Carolina during the sixty-six years of the proprietary government, it is not difficult to gather, from the retrospect, not merely the causes of the very slow progress made in the path of gradual improvement, but also to deduce lessons, suggestive, even yet, of much practical wisdom for the future, and furnishing a moral to our story.

The earliest portion of the proprietary rule was the best, because then the titled owners of the province meddled least with its internal economy. Looking less to the present than to the future, for their reward—stimulated by the anticipations of hope, and with no bitter and costly experience of the difficulties of colonizing, they expended their money freely, because they were sanguine in the expectation of its return; and were liberal in their concessions, because they would allure colonists. Hence, the earliest government of the province was regulated more by the will of the inhabitants than by the decrees of its owners; and the legislation was satisfactory, because it was adapted to actual wants and existing circumstances. It was founded on a reality, and hence became a reality. The times may have been hard, but the people who bore the hardship had the privilege of striving at least to lighten the burden which pressed on them, and them only.

But it may well be doubted, even had the intermeddling spirit of the proprietors never developed itself, whether there was not an elemental, underlying defect, which would always have retarded the progress of the province. In the rude simplicity of early colonization, where so much is to be done with the hands, and where the heads are, for the most part, not likely to be capable of dealing with the abstractions of governmental polity, or unravelling the intricacies of complicated municipal regulations, it is obviously wisest and best that the most simple system of rules, and the most unencumbered deposit of authority in a single governing power, is most desirable.

But almost from the beginning, and indeed through the whole period of our review, the people of North Carolina, instead of

living under plain and simple laws, administered by *one* governing power, were subjected, more or less, to the control of *three*.

Unfortunately, too, these three had not before them the common end of the happiness and prosperity of the people; and a diversity both of objects and interests sometimes produced collisions between them, which only made it the more difficult to preserve a triple allegiance.

It is only another illustration of the principle, established by long experience, that no government can, as such, be successful, which loses sight of the true purpose of all government,—the comfort and happiness of the people. Such a government may, indeed, maintain itself by power, but has within itself the elements of its own destruction. The three ruling powers over the Carolinians were,—first, the lords proprietors, who had a veto on all enactments, and might, beside, issue their decrees to their governors and councils; secondly, the crown, which, though granting largely with rash indiscretion, yet reserved to itself its claim to the allegiance of the colonists as their rightful sovereign, and more than once annulled at its pleasure the action of the proprietors; and, thirdly, the local government within the colony itself, vested in the governor, council, and Assembly.

Their interests were all diverse. The moment the colonies had products to export, the navigation acts were passed, and the crown cared only for the additional revenue they brought to her customs, regardless alike of the sums expended by the proprietors in planting and protecting the country, or the toil of its inhabitants, whose industry furnished the products. The proprietors looked for their remuneration to their quit-rents and sales of land; and were only anxious that the dividends from these, after payment of the annual expenses of the province, should be as large as possible. The toil of the laborer affected their interests incidentally only, and excited for its own sake no throb of sympathy in their bosoms. To them it was of no consequence how hard the work of their laboring tenants, or how great the personal privations they endured. And as to the local government and people themselves, their anxiety naturally was confined to the improvement of individual condition among themselves; and provided they could keep out of the hands of the crown and of the proprietors (their

foreign masters), they cared but little to scrutinize closely the dexterity by which these masters were cheated out of that to which the mass of the colonists thought they had, at best, but an equivocal right.

Thus, in 1678, Culpepper's rebellion was founded on the determination of Miller, temporary governor and first collector of the royal revenue, to enforce the laws of trade, for the benefit of the *crown*. In this enforcement the proprietors had no direct interest, while the people felt it to be to them a positive injury. Again, in 1706, Carey usurped the government and brought on a civil war; and here the conflict was between the usurper, who was sustained by a large portion of the people, and the *proprietors*, who were the lawful owners of the country. This civil strife undoubtedly led to the Indian massacres, and consequent war of 1711, threatening the utter destruction of the province, and in which crown, proprietors, and people were of course interested in making common cause. But in its prosecution, the proprietors appear to have afforded no aid. The royal province of Virginia, or rather its energetic governor, Spotswood, without, however, any positive instructions from the crown, interposed, from a politic consideration of the danger to his own government from unchecked Indian successes in Carolina; and the southern part of the proprietary government of Carolina, influenced by a similar motive, effectually crushed the outbreak. Outward circumstances alone compelled unity of purpose and action; for the only particular in which all were alike interested—existence itself—was in peril. Now, these were the three great calamitous events which marked the proprietary period of government; and they all arose and were aggravated from the fact of conflicting interests creating divided allegiance. This was one cause why the province languished.

Another, and not less fatal one, was in the mistaken and timid policy of the proprietors on the first outbreak under Culpepper. They encouraged future discontents and rebellions by not at once promptly and severely punishing the past. The people knew well enough that their lordships' authority and rights had been openly and grossly contemned in Culpepper's bold usurpation. When they saw that this was unpunished for two years in Carolina; and more than that, when they saw the guilty actually escape, com-

paratively unharmed, from the hands of the proprietors themselves in England, what more natural conclusion could they reach than that the proprietors were either too weak or too timid to redress their wrongs? With such an opinion prevalent among the people, added to the conviction, produced by personal experience, that their lordships cared for them only as their labor might be made profitable, it is not at all wonderful that they were found always prepared afterward to be turbulent and insurrectionary.

And another cause unhappily strengthened this tendency. This was found in their local position. The population of the country was small, and their pursuits prevented a concentration of it, small as it was. They were nearly all, in some mode or other, connected with the cultivation of the soil. Agriculture was the great business of the country. There were many streams running into Albemarle Sound, and these ready-prepared highways of nature tempted every man, if he could, to place himself on the borders of the streams. A thin line of settlers, scattered at long intervals, thus fringed the rivers; and, as the small vessels of the country, as well as those of New England, could readily ascend to the plantations and take away the products, the sparse and poor population was not likely to build towns.

The unavoidable result of such a state of things was, that intercourse among the people was infrequent, and that the distance between their habitations was too great to allow of schools for their children, or even of places for the worship of God. There was scarcely a school-house in the province while the proprietors owned it; and some two or three rude buildings, dignified with the name of churches of the establishment, and as many Quaker meeting-houses, were the only places of worship. Without religion, without secular instruction, and without even daily social intercourse, the inevitable consequence among any people must be deplorable ignorance among both young and old. There can be no expansion of mind where there is no interchange of thought; and the cunning leaders of faction know well that they need never lack followers where the multitude is ignorant. A Culpepper and a Carey could therefore the more easily raise a rebellion in Carolina.

But, as connected with this dispersed condition of the people,

and the want of some association of men and thought in a town, there was a fatal error committed from the very beginning. The reader will remember the apprehensions of the people, soon after the country was settled (in 1676), lest the proprietors should dismember the province, and sell Albemarle to Sir William Berkeley. It will also be recollected that their lordships took pains to allay their apprehensions; and among the reasons assigned by them for not purposing a sale, one was that its situation "*being contiguous to Virginia*," was "of importance in planting the rest of the province."

No greater mistake was committed by their lordships in their whole career than that of supposing that their province was or could be benefited by having its first seat of colonization, Albemarle, contiguous to Virginia. They were not ignorant of the geography of Northeastern Carolina, and therefore it really seems strange that they did not perceive that the supposed advantages of contiguity were far more than counterbalanced by its disadvantages. Virginia had been settled more than half a century; it had a comparatively numerous population, and a portion of it was highly intelligent and well educated; it had a regular government,—in general well administered; it had passed the perils and dangers incident to the earlier stages of colonial government, and was now stable; it was backed by the power and wealth of the crown, for it was the king's colony; it had a trade that regularly brought merchant fleets from England into the Chesapeake and its lower rivers; Norfolk was already an important shipping port. The refuse of its population, writhing under the restraints imposed by law, would naturally seek relief by passing into some state of society less firmly organized, where crime might hope for impunity because it would find countenance in its frequency; and an infant settlement, like that of Albemarle, on the borders of Virginia, was precisely such an asylum as would be sure to attract all the villains and vagabonds that Virginia would not tolerate. If good men came over the boundary, as some did, bad ones were sure to come also.

On the other hand, Albemarle had a small population, a very feeble government, no support but that of the private fortunes of the proprietors, no trade, no entrance from the sea of any depth,

no commercial mart on Albemarle Sound, nor any possibility of ever making one in that locality. To think, under such circumstances, of entering into rivalry with Virginia, was simply ridiculous: Albemarle never could be more in reality, under such an arrangement, than a sub-colony to that which was itself but a colony—in fact, a tributary to Virginia. It was, therefore, a serious calamity to Carolina that her first colonization commenced on the border line between herself and Virginia: it effectually shut the door to her progress.

A proof of this is furnished by the far more rapid progress of the colony on Cape Fear, under Yeamans, in 1665; and more strikingly still in that at Charleston, in 1671. In a very little time the settlement on the Cape Fear counted its population by hundreds; it established a remunerative trade, and attracted inhabitants from Barbadoes so rapidly that the legislature of that island interposed to save itself from injury by the loss of its people. The secret was, that Cape Fear and Charleston were too far removed from Virginia to be her tributaries, or enter into a disadvantageous, nay, hopeless rivalry with her; that they had the power of making shipping ports into which vessels of some bulk could come, and *therefore* they *had their own trade.*

The thought has occurred, too, that the proprietors should have been taught by these examples how unavailing their efforts must prove at Albemarle. A commercial mart of their own was the first great, nay, indispensable requisite. It is so to every country; it must get its surplus products to the sea, that, over the sea, they may find their way to other lands, or the surplus is valueless. We know not whether the proprietors knew how rich they were in our noble harbor of Beaufort; perhaps they did not, though we have evidence that its value was rightly appreciated by others before the close of their authority; but we cannot prevent the thought from arising, of how different at this day might have been the condition of North Carolina had Yeamans and his colonists travelled north instead of south. The harbor of Beaufort would have offered all the advantages they could have desired for a shipping port; and a city might long since have stood upon the site of the ancient village, and perchance anticipated, by years, the existence of the refined and hospitable Charleston.

When five years more shall have passed, just two centuries will have elapsed since the State commenced its career in the colonization of Albemarle. Let us be thankful that it took us *no longer* to discover that we have a magnificent harbor, on which to erect a commercial emporium of *our own;* and that our efforts have, at last, been concentrated and directed to securing advantages which, properly improved, will confer all that we require to fill up the measure of our earthly prosperity and independence.

Another, and by no means slight cause of the non-progressive condition of the province, was the utter indifference of the proprietors in the selection of governors. It is a noteworthy fact that the colony always prospered most when some old inhabitant, who was president of the council, was acting as temporary governor; or when some one, like Ludwell, who had long lived in the country, was at the head of affairs. Archdale, Hyde, and Eden were the only governors sent from abroad that were of much service to the colony. The selection of a governor was not generally made by the proprietors on the ground of fitness, but of favoritism, or from family influence. Some member of a family of rank needed to be provided for, and the proprietors yielded to the personal applications of their friends, who were commonly the equals and companions of their lordships in social position. They rarely, if ever, sought simply to put "the right man in the right place;" and had they done so, they knew too little of the country or of the people, discreetly to make a choice. Hence the province was cursed with the presence of such men as Daniel, and Carey, and Burrington; and, worst of all, with a Sothel, who was permitted to buy a proprietorship that he might oppress a people. Such rulers, of course, prevented wholesome progress. The fault, therefore, was not entirely in the inhabitants; a large share of it belonged to their masters.

Nor yet were the people entirely blameless. They were ignorant, and, as we have stated, had comparatively but little intercourse among themselves: to this a partial exception existed among the Quakers, who, by reason of the periodical recurrence of their meetings, were brought more into personal contact with each other; and it is observable that this body always acted together,—they could confer together, and digest and communicate

their plans to their colleagues. There was no other body in the province possessed of an organization that could accomplish this; and hence, even when small in numbers, they possessed strength and power in the affairs of the colony. But it was not always for good, because they were *ignorant.*

But simple ignorance was not the sole defect in the people; there was undoubtedly a portion of the population radically bad,—men who would have been useful citizens nowhere. They came from Virginia, when they could no longer evade Virginia law, and the records of the sister State, of that day, show that they left numbers like themselves behind. It was no reproach to either Virginia or Carolina that such men had found their way into them; their education in villainy had been completed in the mother country before they ever saw America. Virginia was older and more advanced in her institutions than Carolina, and could therefore better drive them out; Albemarle was a "safety valve" to her; but when they came into Carolina, the government wanted unity, and the courts wanted strength; and, had it been otherwise, there was no "safety valve" south of Albemarle. They could not be dislodged; and when faction and turbulence were in the ascendant, such men found it their interest to be riotous and insubordinate, because in such times they found their seasons of golden harvest.

And the very advantages bestowed by heaven on the country itself only made it easier for the profligate and base to flourish: they abhorred honest labor, and were instinctively lazy; yet, such were the soil and climate of Albemarle, that a very little toil enabled any man to live, and thus afforded him abundant time to devote to theft or insurrection. Indeed, this facility in obtaining a living no doubt made idlers of many who were not rogues or bad men. For why should they toil, when they had so poor and uncertain a market for their surplus? Had they possessed ample means of commerce in an inlet, a harbor, and a mercantile mart of their own, the morals of the people would have been very different; for active trade is a civilizer. They recognized as true, what one of their most illustrious contemporaries had written: Locke had said, "Labor, for labor's sake, is *against nature;*" they

knew nothing about Locke, though they were confirming, by their conduct, the soundness of his abstract philosophy.

It is impossible to contemplate the general aspect of affairs during the proprietary government without being saddened at the picture of wretched misrule which retarded the progress of our State. Bad masters, bad governors, and too large a share of bad subjects, combined with a wretched general policy, served effectually to shut out religion, to exclude education, to prevent social intercourse, to foster idleness, to destroy trade, to overturn authority, and to debase morals. And yet, with all these retarding elements, *some progress* still was made; and as we look upon it, not without some surprise, we are constrained to feel that the wonder is, not that the progress was so little, but *that there was any at all*. Verily, the good men of that day had ample cause, for the sake of our common humanity alone, to thank God when they saw the proprietary government of Carolina at an end forever.

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